

Monroe County Land Acquisition and Management Master Plan DRAFT



**Prepared by Muller and Associates, Inc.
for
Monroe County**

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Cover photo courtesy of *NASA Visible Earth*

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Executive Summary

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Land acquisition and management are critical components to the protection of the natural resources and quality of life in the Florida Keys. Land must be purchased for conservation lands, affordable housing and retirement of development rights. Once environmentally-sensitive lands are in public ownership, proper management is necessary to protect the resources for which the lands were acquired. The Monroe County Year 2010 Comprehensive Plan and the state Land Planning Regulations for the Florida Keys Area of Critical State Concern - Monroe County (Chapter 28-20, Florida Administrative Code) both call for a Land Acquisition and Management Master Plan. The January 2004 cooperative agreement between Monroe County and the Florida Department of Community Affairs (DCA) further emphasized the need for this plan to address strategies, funding, and non-funding sources for acquisition and management of conservation lands, retirement of development rights, and acquisition of affordable housing sites.

Since the signing of the cooperative agreement, Monroe County has amended the Monroe County Year 2010 Comprehensive Plan and adopted analogous Land Development Regulations to provide guidance for local land acquisition and management. These amendments adopted the Tier System, set the priorities and framework for the land acquisition process and master plan, and directed how acquired lands were to be managed.

Conservation Land Acquisition and Management

In 2004 and 2005 the Florida Forever program added about 7700 acres of the most environmentally sensitive lands in the Keys to existing Florida projects. Since December 2003 the state has spent or committed in contracts more than \$56 million to acquire Florida Forever project lands in the Keys.

It is estimated that approximately \$354 million will be necessary to acquire the remaining environmentally sensitive lands in the Keys. Lands within Florida Forever projects are estimated to cost approximately \$298 million in today's dollars. Environmentally sensitive lands outside of Florida Forever may cost about \$57 million. Once acquired, state and federal agencies and the county will manage these lands. It is estimated that the county's conservation land management costs will be approximately \$346,000/year if all the lands are acquired.

Affordable Housing

Since the signing of the cooperative agreement, Monroe County has spent approximately \$7.5 million of local funds on affordable housing and has planned expenditures of more than \$2.5 million for the remainder of 2006. This totals more than \$10 million, the amount cited in the agreement with DCA. Florida Keys organizations have received almost \$2 million from the Florida Housing Corporation, and anticipate \$20 million being available during the next five years. The Monroe County Workforce Housing Task Force established a goal of construction of 5000 affordable housing units in the next decade. Based on recent purchases of undeveloped land for affordable housing, the cost of land alone for 5000 units would be approximately \$260 million. The Task Force has made several recommendations that could substantially reduce the cost per unit for affordable housing land.

Retirement of Development Rights

Unincorporated Monroe County has 197 residential dwelling allocations available for distribution each year through the Rate of Growth Ordinance (ROGO) process; a minimum of 71 of these are reserved for affordable housing. Applicants who have applied for a ROGO allocation for permission to build residential buildings in unincorporated Monroe County for four successive years and have not received a building allocation are eligible to apply for administrative relief, which may entail purchase of the property. Approximately 130 applicants will be eligible for administrative relief this year. Assuming an assessed value of \$117,000 per parcel, the 130 relief-eligible parcels have an assessed value of approximately \$15.2 million.

Currently, approximately 4,950 Improved Subdivision lots are available for housing. Assuming the number of available residential building permit allocations for unincorporated Monroe County remains at 197 per year, 3940 allocations will be available during the next 20 years. This leaves approximately 1000 Improved Subdivision lots that may either need to be acquired for property rights issues, may be donated or aggregated as part of ROGO, or will not be developed within the next 20 years. If the average cost per vacant lot is \$117,000, a rough estimate of the approximate cost of these 1000 lots in today's dollars is \$117 million.

Tools for Land Acquisition and Management

A variety of funding and non-funding sources for conservation land acquisition, conservation land management, affordable housing, and retirement of development rights are being utilized in the Keys. Some existing sources are currently untapped, and some potential new funding sources may be available. For sources that do not exist or are expansions of funding sources that do not have severe restrictions, it may be possible to craft the funding program so that funds are available for multiple purposes.

Implementation Strategies for the Land Acquisition and Management Master Plan

Implementation of the Land Acquisition and Management Master Plan will take substantial additional funding. The county is committed to securing additional funds, from both local and non-local sources. In addition, some non-funding related actions can contribute to successful performance. However, it is recognized that with the uncertainty concerning the county's ability to successfully secure sufficient funding from state and federal governments for their fair share of the financial support for the Land Acquisition Program, and with the demands placed on the county's limited financial resources to address wastewater and other critical issues, the Land Acquisition Program may extend well beyond 20 years. In implementing this Land Acquisition and Management Master Plan, Monroe County is only committed or financially obligated to the extent that local, state, and federal funds are available.

The adopted Comprehensive Plan amendments and associated Land Development Regulations clearly lay out the types of lands that should be acquired, priorities for land acquisition, and criteria for assigning priorities within categories. Also described are responsibilities for land acquisition and development of an intergovernmental organization and management structure to implement the acquisition program. The Comprehensive Plan also specifies that lands acquired through the Monroe County Land Acquisition Program will be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired.

An essential component to the successful implementation of the Land Acquisition and Management Master Plan is a financial plan. Estimates of the cost, available funding, and funding shortfall, however coarse, provide an idea of the magnitude of additional funding necessary. Under current programs, approximately \$53 million is estimated to be available

during the next 20 years for conservation, development rights, and affordable housing land acquisition and conservation land management in unincorporated Monroe County. According to rough estimates, approximately \$57 million will be needed for acquisition of environmental lands outside of Florida Forever boundaries, \$9.1 million for conservation land management, \$260 million for land for affordable housing, and \$117 million for retirement of development rights, for a total of about \$443 million. This leaves a shortfall of approximately \$390 million. A figure that is 25% of this total estimate will also be considered, since not all landowners are willing to sell their land, which will also result in lower conservation land management costs.

Additional local funds are essential to the successful implementation of Land Acquisition and Management Master Plan. When possible, the categories in which various types of local funds can be expended should be made flexible to provide latitude to respond to changing conditions. For this first iteration of the LAMMP, the county will plan to fund an additional \$98 million during the next 20 years, which equals 25% of the estimated \$390 million shortfall.

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Introduction

The Florida Keys

The Florida Keys archipelago consists of a 112-mile long chain of islands located at the southern tip of Florida. The island chain is separated by Florida Bay to the east and the Atlantic Ocean to the west and buffered by the world's third largest barrier reef. The biological communities in the Florida Keys have evolved in response to distinctive island environmental conditions characterized by strong marine ocean influences, subtropical savanna-type climate (hot humid summers and cooler dry winters), limestone substrate, and hurricanes.

These conditions, combined with the isolation of the islands, have supported colonization and evolution of highly specialized plants and animals, many occurring only in the Florida Keys. The Florida Keys have the only subtropical upland and coral reef environments in the continental United States and are environmentally and culturally unique. The upland habitats, hammock forests and pinelands, include federally listed threatened and endangered species.

Local, state, and federal programs protect the irreplaceable environment of the Keys. Four National Wildlife Refuges manage significant portions of the Keys as wildlife conservation areas. The waters surrounding the Keys were established as the Florida Keys National Marine Sanctuary in 1990. A number of Florida State Parks, the Florida Keys Wildlife and Environmental Area and State Aquatic Preserves offer protection to resources and enjoyment to residents and visitors. Local governments also own and manage property for schools, community parks, affordable housing, as well as for growth management and conservation purposes. The Nature Conservancy, the Audubon Society, the Florida Land and Sea Trust and other non-governmental organizations own and manage private sanctuary areas and assist in conservation acquisitions and management in the Keys.

Approximately 60%-70% of the Keys is in public ownership and about 15% of the land area is developed. This leaves between 15% and 20% of vacant land area in private ownership for future development and conservation.

The major policy documents governing the future development and conservation of the remaining vacant unincorporated area of the Keys include the Area of Critical State Concern designation, the Monroe County Year 2010 Comprehensive Plan, and the Florida Keys Carrying Capacity Study.

Purpose of the Land Acquisition and Management Master Plan

Land acquisition and management are critical components in the protection of the natural resources and quality of life in the Florida Keys. Land must be purchased for conservation lands, affordable housing and retirement of development rights. Once environmentally-sensitive lands are in public ownership, proper management is necessary to protect the resources for which the lands were acquired.

The Monroe County Year 2010 Comprehensive Plan and the state Land Planning Regulations for the Florida Keys Area of Critical State Concern - Monroe County (Chapter 28-20, Florida Administrative Code) both call for a Land Acquisition and Management Master Plan (LAMMP).

The necessity of this plan was reiterated in the January 2004 cooperative agreement (Monroe County Resolution 039-2004 and attached agreement) between Monroe County and DCA to address significant issues regarding implementation of the Year 2010 Comprehensive Plan Work Program and the recommendations of the Florida Keys Carrying Capacity Study. The agreement called for Monroe County to “Prepare a Land Acquisition Master Plan including strategies, funding, and non-funding sources for acquisition and management of conservation lands, retirement of development rights, and acquisition of affordable housing sites.”

This document reports on land acquisition and management efforts in unincorporated Monroe County and then describes some tools for land acquisition and management. The implementation strategies address land acquisition priorities, conservation land management by the county and the Monroe County Land Authority (MCLA), a financial plan, and additional recommendations.

Efforts and Current Status

Current Policies and Direction

The current policies and direction of land acquisition for conservation, affordable housing and retirement of development rights in Monroe County are driven by a variety of factors. In January 2004, Monroe County entered into a cooperative agreement with the Florida Department of Community Affairs (DCA) to address significant issues regarding implementation of the Year 2010 Comprehensive Plan Work Program and the recommendations of the Florida Keys Carrying Capacity Study. DCA and the county made various commitments about affordable housing and habitat protection, in addition to other issues.

Cooperative Agreement Commitments Regarding Affordable Housing and Habitat Protection

In the cooperative agreement, the county committed to obtain up to \$10 million in bond financing to purchase land for workforce housing. DCA agreed to secure \$3 million and initiate securing an additional \$17 million in grant funds for affordable/workforce housing over the next two years (January 2004-2006).

The county agreed to adopt the Tier Overlay Map system and to prepare a Land Acquisition Master Plan for acquisition and management of conservation lands, retirement of development rights, and acquisition of affordable housing sites. The county also agreed to set aside \$2 million of reserve ROGO funds to purchase environmentally sensitive lands from voluntary sellers.

DCA agreed to secure \$93 million for purchase of environmentally sensitive lands and to expand land acquisition boundaries to include a majority of the most environmentally sensitive vacant privately owned lands. The \$93 million figure was based on the average cost per acre of Florida Forever project lands acquired in the Keys in the previous two years. DCA also agreed to work with the county in the preparation of a Land Acquisition Master Plan.

Revised County Policies

Since January 2004, the Monroe County Year 2010 Comprehensive Plan has been amended and analogous Land Development Regulations were adopted to provide guidance to land acquisition and management, among other topics. These amendments are closely tied to adjustments to the Rate of Growth Ordinance (ROGO) through the adoption of the Tier Overlay District Map (Tier System) by the Monroe County Board of County Commissioners in March 2006. ROGO provides for a competitive process for applicants to receive an allocation to build from the limited number of allocations available on an annual basis. Currently, unincorporated Monroe County has 197 allocations available per year, with a minimum of 71 reserved for affordable housing.

The Tier System implements Goal 105 of the Monroe County Year 2010 Comprehensive Plan and the recommendations of the Florida Keys Carrying Capacity Study. Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the

carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability. By placing land in Monroe County in three broad categories of the Tier System, the county is identifying areas appropriate for additional development and those which are important environmentally and should be preserved.

The Tier System is based on the natural resources and location of parcels. Tier designations consider factors such as native vegetation, threatened/endangered species, proximity to natural areas and conservation lands, size, and amount of development. Tier I lands are most environmentally sensitive, followed by Tier II lands and Tier III lands.

Tier I includes all natural areas above four acres and restoration areas between fragmented smaller native upland patches to increase the native upland area size and buffers where possible. Tier II lands, which consist of transition and sprawl reduction areas, are located only on Big Pine Key and No Name Key. Tier III lands have two groups – Tier III and Tier III-A (Special Protection Areas). Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated and the absence of significant upland native habitat patches. Tier III-A includes isolated upland native habitat patches of one acre or more in area that require increased protection from development.

Goals 102, 105 and 205 of the Year 2010 Comprehensive Plan have policies that address conservation land acquisition and management, affordable housing, and retirement of development rights. Some contents of the Land Acquisition and Management Master Plan are also addressed in these goals.

Priorities for land acquisition and management are laid out in numerous policies. In summary, the Comprehensive Plan calls for land acquisition and management to be a structured, coordinated, cooperative effort between all levels of government. Acquisition of land is dependent on funding availability, and the county wishes the state and federal government to buy the majority of Tier I lands. The County Land Acquisition Master Plan will identify sources of funding for land acquisition.

The priorities for acquisition of lands and development rights under the County's Land Acquisition Program are: Tier I and land for affordable housing - first priority, Tier II and Tier III-A – second priority, and Tier III – third priority. For affordable housing, acquisition priority will be given to parcels in Tier III suitable for development or redevelopment of six or more units and projects that are ready to proceed with ROGO allocations available.

All privately-owned vacant lands in Tier I and most in Tiers II and III-A should be acquired. Retirement of development rights is a focus of these efforts. The preferred methods of acquisition are fee simple purchase, donation, or dedication or retirement of development rights through transfer of development rights. Monroe County will focus its land acquisition efforts on vacant privately-owned, buildable, platted lots in Tiers I and II and scarified and disturbed lands for affordable housing in Tier III.

Monroe County intends to have a 20-year Land Acquisition Program and to identify and secure a steady local source of funds. The county also wishes to secure increased state, federal and private funding for the acquisition, management and restoration of acquired resource conservation lands. The county, in consultation with cooperators and with public input, will develop an annual priority list of native upland habitat acquisition sites in Tier I. Because of funding uncertainty at all levels, the acquisition program may extend beyond 20 years.

Monroe County and cooperators will develop a planning process for publicly owned native lands. The process will be flexible to adapt to new information and acquisitions. Management plans, developed in coordination with managers of adjoining lands, will address protection, restoration and management of acquired lands. Management plans will be reviewed every three years and revised as needed.

Conservation Land Acquisition

Historically, the state and federal governments have been the most active conservation land acquisition entities in the Florida Keys. The US Fish and Wildlife Service has acquired almost 20,000 acres at a cost of more than \$44 million. The state's major environmental land acquisition programs have been active in the Keys for decades, primarily through the Conservation and Recreation Lands (CARL) and Florida Forever-Board of Trustees (BOT) Programs. Through February 2006, the state acquired 10,774 acres at a cost of approximately \$173 million. The Monroe County Land Authority has acquired much conservation land, sometimes buying land the Authority will hold, at other times buying land that will be transferred to the state. Groups such as The Nature Conservancy, The Conservation Fund and Trust for Public Land have also acquired conservation lands in the Keys. Sometimes these groups bring private funds into the process, and at other times they acquire lands using public funds or are reimbursed for acquisition costs.

In 2004 DCA contracted with Muller and Associates, Inc. to work with Florida Keys local governments, the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS) to prepare boundary amendments for the three existing Florida Forever-Board of Trustees projects in the Keys. About 7,669 acres with a tax assessed value of approximately \$47 million were added to the Florida Forever projects. Most of this land is in unincorporated Monroe County within Tier I. Lands included in Florida Forever projects are eligible for purchase by the Florida Forever program. State and federal agencies agreed to manage some of the boundary amendment lands adjacent to existing conservation areas. Monroe County agreed to manage all Florida Forever lands acquired within unincorporated Monroe County that the state and federal governments were not willing to manage (Monroe County Resolution 219-2004). The cities of Marathon and Islamorada agreed to manage lands within their respective incorporated areas.

Current Conservation Land Acquisition Efforts

State

The state is making a concerted effort to acquire all Florida Forever/Board of Trustees project lands in the Florida Keys. This effort is coordinated through the Florida Department of Environmental Protection Division of State Lands. The boundary amendments of June 2004 and February 2005 added approximately 7,669 unacquired acres to the three Florida Forever projects in the Keys - North Key Largo Hammocks, Florida Keys Ecosystem, and Coupon Bight/Key Deer.

From December 2003 through April 10, 2006, the state spent \$14.5million to acquire 411 acres (589 parcels), and contracted another 549 acres (1400 parcels) for about \$33.6 million. An additional \$8.5 million was spent in that time on costs related to land acquisition (appraisals, surveys, closings, etc.), for a total of \$56.6 million since December 2003. The state has made at least two offers on about 95% of all parcels in Florida Forever projects in the Keys, including

the recent boundary amendments. Based on January 2006 numbers from DEP Division of State Lands, the state owns approximately 8200 of the 19,300 acres in the three Florida Forever projects in the Keys. The federal government, Monroe County, the MCLA, and non-profit conservation groups own approximately 2900 acres within the Florida Forever boundaries. Some of these acres will likely be sold or donated to the state. About 8300 acres, or 43%, are still privately owned.

Federal

The US Fish and Wildlife Service has had a minimal level of land acquisition activity in the Keys in the last few years, and no substantial land acquisition funding is anticipated in the near future.

Monroe County

Most local government land acquisitions have been through the Monroe County Land Authority or donation of land pursuant to the county's ROGO ordinance (see "ROGO lots", below). The MCLA serves all of the Keys, not just unincorporated Monroe County. The MCLA acquires a variety of land for conservation, infrastructure, and affordable housing needs. The Monroe County Board of County Commissioners (BOCC) sits as the governing board of the MCLA and has appointed a five-member advisory committee. The annual revenue stream of the MCLA is approximately \$2.4 million, derived primarily from a lodging bed tax and a surcharge on admissions to state parks in the Keys. One million of this annual income is restricted to use for Key West; the balance of \$1.4 million is available to the rest of the Keys, including unincorporated Monroe County.

Much of the MCLA staff time is spent coordinating with the state's land acquisition efforts. Oftentimes the MCLA acquires lands within Florida Forever project boundaries. These lands are usually transferred to the state and the MCLA is reimbursed. From January 2004 through May 2006, the MCLA acquired 19 acres of land within Florida Forever boundaries at a cost of \$500,000. The MCLA also acquires environmentally sensitive lands outside of Florida Forever boundaries. Since January 2004, the MCLA has acquired 15 acres of environmentally sensitive land outside of Florida Forever project boundaries at a cost of \$2.1 million. In addition, 185 parcels, about 21 acres, have been donated through the ROGO process, 91 one of these in 2005 alone.

Non-governmental Organizations

The Conservation Fund

The Conservation Fund is an environmental nonprofit dedicated to protecting America's most important landscapes and waterways with a partnership-driven approach. The Fund is currently pursuing potential acquisitions in Great White Heron and National Key Deer National Wildlife Refuges. Recently, at the request of the FWS, the Fund completed a two-year project in the Lower Keys that involved 17 lots and one owner. The lots were optioned by the Fund, which then coordinated with the FWS, the state and the county so that each entity could identify the lots they desired. The Fund then closed on the lots and coordinated transfer of the lots to each agency. The Conservation Fund is willing to work with agencies in the Keys at their request to assist in land conservation efforts.

The Nature Conservancy

The Nature Conservancy (TNC) is an environmental nonprofit with the mission to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. In 2002 TNC purchased about 600 acres of hammock and mangrove in the Upper Keys. Most will go to the Everglades National Park and a small portion to Florida Forever. TNC has limited funding available for land acquisition in

the Keys. Some previous TNC Keys acquisitions will be sold to government agencies and those funds will then be available to acquire other environmentally-sensitive lands in the Keys. TNC is working toward an agreement with the National Audubon Society and the U.S. Army Corps of Engineers to purchase wetlands and coastal uplands using wetlands mitigation funds collected by the Corps and administered by Audubon's Keys Environmental Restoration Fund. TNC also accomplishes land protection by accepting donations.

TNC is not expanding its permanent nature preserve holdings in the Keys. Instead they are targeting properties that public entities (i.e., FWS, U.S. National Park Service, Florida Department of Environmental Protection, Monroe County and Keys municipalities) are willing to own and manage for the long term. TNC works with the land acquisition personnel of these entities to identify projects for direct TNC involvement. TNC also facilitates land acquisition in the Keys by directing interested parties to relevant government land acquisition programs and advocates for funding and other resources for these programs at all levels of government.

The Trust for Public Land

The Trust for Public Land (TPL), a nonprofit land conservation organization, has a broader mission than the Conservation Fund and TNC. TPL projects are focused on quality of life, and range from conservation lands to open space to affordable housing. In the last few years, TPL has been involved in all of these types of projects with the Keys. Using funds from various sources, TPL has acquired and conveyed conservation lands in Key West, open space in Islamorada, and in 2005 a conservation land/affordable housing project in Islamorada. The MCLA has been involved in some of these projects. TPL is pursuing additional projects in the Keys and is available to work with government agencies and private groups.

Estimated Future County Conservation Land Acquisition Obligations

With the approval of the Tier System amendment to the ROGO process in March 2006, Monroe County has defined which vacant lands are important to acquire for environmental protection. As described earlier, county policy now states that for environmental purposes, the priorities for acquisition are Tier I parcels and then Tier II and Tier III-A (Special Protection Areas). Most of the Tier I lands are within Florida Forever project boundaries. A relatively few number of Tier I parcels were not included in the Florida Forever boundary, some of which were excluded at the landowners request.

The three Florida Forever projects in the Keys were placed on state acquisition lists in 1983, 1985 and 1992 and all have had lands added since then. Some parcels within the project boundaries have been developed. Usually the state does not take action to remove these parcels from the project boundaries, but instead does not pursue purchase of these parcels. As a result, developed parcels that the state doesn't intend to purchase may be within project boundaries. Table 1 shows the breakdown of land parcels by Tier system and Florida Forever status. The assessed value and parcel data, including development status, are from the Monroe County Property Appraiser's Office (July 2005), overlain with the Tier system and Florida Forever project boundaries. The most recent state acquisitions are not reflected. Overall totals and totals for undeveloped parcels are provided. It is anticipated that very few developed parcels will be purchased, so it is not necessary to budget for them.

The number of acres and parcels and the assessed value for all parcels within Florida Forever projects within unincorporated Monroe County are provided as the top row of values in the table. This includes a significant number of developed properties that will not be acquired. The other

rows of the table only address vacant land in the various environmentally sensitive Tier categories.

Monroe County/MCLA have made significant progress acquiring lands within Tier I. In many cases the MCLA has acquired lands within Florida Forever projects, transferred the property to the state, and then been reimbursed. This is the intent for the 2861 parcels owned by the county/MCLA in the Florida Forever projects. The assessed value for all vacant lands to be acquired by the state in Florida Forever projects within unincorporated Monroe County is approximately \$67 million.

Some lands in Tier I were not included in Florida Forever. The “Tier I FL Forever Opt-out Areas and FNAI Low” were not included in Florida Forever because the landowners chose not to have their lands included, or the lands were ranked as a low priority by the Florida Natural Areas Inventory (FNAI). FNAI evaluates and makes recommendations for all lands proposed for Florida Forever. Some landowners may change their mind and want to be included in Florida Forever. It may be possible to adjust the Florida Forever boundaries later to include these. If so, Florida Forever would likely participate in acquisition of these lands.

The “Tier I FL Forever Left-Out Areas” represents parcels that appear to have been included in Florida Forever according to some maps, but have been left out of the Florida Forever’s parcel list. This issue is being discussed with Florida Forever staff.

The Tier I lands not included in Florida Forever total approximately 727 parcels with 688 acres and an assessed value of \$12 million. Florida Forever may participate in the acquisition of some of these lands, but the majority of the cost may be the county’s responsibility.

Within Tier II (Big Pine and No Name Keys), there are 504 parcels with an assessed value of approximately \$15 million. It will likely be the county’s responsibility to fund and acquire these lands. Tier III-A (Special Protection Areas) totals 393 parcels with an assessed value of approximately \$14 million. Again, this would be the county’s responsibility to fund and acquire.

Based on the tax assessed value, approximately \$853 million dollars worth of land (both vacant and improved) has been identified within areas of conservation interest in the unincorporated Monroe County. Considering only the vacant lands and omitting Monroe County/MCLA lands outside of Florida Forever projects, the total assessed value is about \$108 million (10,151 parcels). Vacant Tier I lands within Florida Forever project boundaries have a tax assessed value of about \$67 million. Based on the 2005 tax assessed value, approximately \$40 million would be necessary to acquire the 1624 parcels of vacant Tier I areas not included of Florida Forever, vacant Tier II lands and vacant Tier III-A lands that are not already owned by the county/MCLA.

Calculations can also be made using the mean value of parcels recently acquired by Florida Forever, which has been acquiring land in Tier I. For the 1989 parcels acquired since December 2003, the mean price per parcel is approximately \$24,200 for land costs. Using this figure, the cost of the 8527 remaining vacant Tier I parcels within the Florida Forever boundary is approximately \$206 million. More recently, parcels have averaged about \$35,000 each. Using this figure, the total would be approximately \$298 million. Again, the 8527 vacant parcel number does not reflect state acquisitions since about July 2005 or parcels that are under contract. In addition, some of these parcels were acquired by Monroe County or MCLA. These parcels are usually conveyed to the state on an at-cost basis, which would be lower than the current fair market value.

Using this same \$35,000 per Tier I parcel, the cost of the 727 parcels of Tier I private vacant lands outside of Florida Forever would cost about \$25 million, rather than the assessed value of \$12 million.

The state's mean cost for Tier I parcels may not be as accurately applied to Tier II and Tier III-A lands. Using this just for a very rough estimate, the cost for the 897 vacant private parcels in these categories would total about \$31 million.

Table 1. Conservation-related Tier lands, assessed values, and anticipated funding source					
Tier	Anticipated Purchasing Program	Anticipated Funding Source	Acres	Parcels	Assessed Value (July 2005)
Tier I FL Forever - all parcels			10,472	9,535	\$389,623,349
Tier I FL Forever Areas – private vacant parcels	Florida Forever-BOT	FL Forever funds	8310	5666	\$38,852,086
Tier I FL Forever - Monroe County/ MCLA parcels	Florida Forever-BOT	FL Forever funds	1143	2861	\$28,317,716
<u>Subtotal</u> vacant Tier I FL Forever lands			<u>9453</u>	<u>8527</u>	<u>\$67,169,802</u>
Tier I FL Forever Opt-Out Areas & FNAI Low – private vacant parcels	Florida Forever-BOT/ MCLA or county	FL Forever /local funds	475	496	\$7,478,996
Tier I FL Forever Left-Out Areas private vacant parcels	Florida Forever-BOT/ MCLA or county	Local / FL Forever funds	213	231	\$4,731,184
<u>Subtotal</u> Tier I not FL Forever			<u>688</u>	<u>727</u>	<u>\$12,210,180</u>
Tier II Big Pine/No Name Keys – private vacant parcels	MCLA or county	Local funds	<u>97</u>	<u>504</u>	<u>\$14,670,719</u>
Tier III-A SPA – private vacant parcels	MCLA or county	Local funds	<u>120</u>	<u>393</u>	<u>\$13,593,573</u>
<u>Totals</u> for vacant parcels			<u>10,358</u>	<u>10,151</u>	<u>\$107,644,274</u>

Sources: Monroe County Property Appraiser, 2005; Monroe County GIS; Florida Forever parcel list
Table does not reflect all Florida Forever land acquisitions to date

It is possible that a significant number of lots may be donated to the county over the years through the ROGO evaluation process. Through 2004, 644 lots were donated (see also

Retirement of Development Rights, ROGO lots, below). In addition, only about 25% of landowners are currently accepting Florida Forever's purchase offers. So it is likely that not all landowners outside of Florida Forever lands are willing to sell, at least in the near future.

Conservation Land Management

Conservation Land Management Entities

The major upland conservation land management entities in the Florida Keys are the U.S. Fish and Wildlife Service and the Florida Park Service (Florida Department of Environmental Protection Division of Recreation and Parks). Other managers include the Florida Fish and Wildlife Conservation Commission, The Nature Conservancy, Monroe County/Monroe County Land Authority, Florida Audubon, and Florida Land and Sea Trust. FWS manages approximately 23,200 upland (above mean high water) acres in the National Wildlife Refuges in the Keys. The Florida Park Service manages approximately 8300 upland acres and FWC manages approximately 2300 acres. Monroe County and Monroe County Land Authority manage approximately 2000 acres of conservation lands scattered throughout the Keys. The Nature Conservancy manages approximately 1300 acres of land. Other conservation-related entities each manage fewer than 1000 upland conservation acres.

The Nature Conservancy and the Audubon Society are also active in assisting local landowners and land managers to improve natural resource protection and management through providing information, raising grant funding for projects, organizing volunteers, and participating in local land management groups. The Keys Environmental Restoration Fund, managed by Audubon of Florida, is devoted exclusively to the restoration, enhancement and management of Florida Keys natural areas. Funding for projects is obtained through grant sources, state and federal permit mitigation fees, fines and penalties levied for un-permitted development, and private donations. The Fund has completed 27 restoration projects, with another 17 active projects in various stages of planning and phased restoration. The majority of restoration projects occur on publicly owned lands.

Monroe County now manages approximately 2000 acres of conservation lands. The Monroe County Land Steward, supervised by the Monroe County Land Authority, oversees the management and protection of county natural resource and environmentally sensitive lands. Conservation lands management includes physical management, natural resource management, as well as planning activities. The steward works with the Public Works Division and the Planning and Environmental Resources Department. Some management funds come from Monroe County's Land Restoration and Management Fund. The main management issues faced by the steward are exotic and feral species, fire management in the Lower Keys pinelands, vegetative restoration, surface and groundwater hydrologic restoration, dumping and encroachment by adjoining landowners.

Conservation land managing agencies and organizations in the Keys cooperate through two loosely structured groups. The Florida Keys Invasive Exotics Task Force, coordinated by the Nature Conservancy, addresses the problem of invasive exotic plant species in the Keys. Membership includes FWS, FWC, DEP, Florida Park Service, local land managers such as Monroe County and interested members of the public. The task force meets quarterly. This group has been very effective in setting invasive species control priorities in the Keys and obtaining funds from the DEP Bureau of Invasive Plant Management.

The Keys Wildland Fire Hazard Reduction Initiative includes FWS, FWC, FL Division of Forestry, DCA, The Nature Conservancy, local governments and interested citizens. The purpose of the group is to more effectively and safely manage fire as a restoration tool, to reduce and mitigate hazards associated with planned burns, and to educate the public on the need for fire in pineland ecosystems. The group deals primarily with Lower Keys pinelands, which require fire management to maintain or restore the ecological characteristics for which the pinelands were acquired.

TNC's GreenSweep volunteer program works on priority land management projects, especially those involving invasive species control, fire hazard reduction and native plant restoration.

County Conservation Land Management Policy

County policy calls for conservation lands acquired through the Monroe County Land Acquisition Program to be managed to restore, preserve and protect the conservation purposes for which the lands were acquired. The Comprehensive Plan also calls for a cooperative land management program for publicly owned lands. The expectation is that state and federal agencies will participate in formulating land management policies and plans and in the management of lands. The land management plan(s) will address important conservation land management issues, including control of invasive exotic species, utilization of prescribed fire, restoration of disrupted wetland and native upland vegetation systems, and protection and restoration of the freshwater lens and freshwater wetlands on public lands.

Estimated Future County Conservation Land Management Obligations

Land Management

At Monroe County's request, the Florida Forever program added approximately 3500 acres to Florida Forever projects in the Keys. Although state and federal agencies will manage a small portion of these lands after acquisition, the vast majority will be managed by Monroe County, as agreed to in County Resolution 219-2004. In addition, approximately 688 acres of vacant Tier I lands not owned by the county/MCLA are outside of Florida Forever (Tier I Florida Forever opt-out lands plus those excluded by Florida Forever). Vacant Tier II lands (not owned by the county/MCLA) total approximately 97 acres, and vacant Tier III-A lands (not owned by the county/MCLA) total about 120 acres. County policy directs that these lands be conserved through acquisition or other means. Assuming these lands are eventually protected, Monroe County and the MCLA would be responsible for managing approximately 4400 acres, in addition to the 2000 or so conservation acres already managed by the county/MCLA. It is anticipated that some of the Tier II lands, which are located on Big Pine Key and No Name Key, will be managed by National Key Deer National Wildlife Refuge.

The cost to manage conservation lands in the Keys varies widely and depends on a number of factors, including parcel size, proximity to other conservation lands, types of natural communities, condition of natural communities, invasive exotics, level of public visitation, and facilities. Generally, initial management costs are higher due to initial invasive exotic species treatment, fire break installation and prescribed fire or mechanical treatment (if applicable), cleanup of site and fencing. Vegetative and hydrologic restoration costs can add substantially to the expense. Maintenance costs are generally much lower after initial management activities are completed, except in developed subdivisions where property encroachments and illegal dumping are more common concerns. The approximated costs presented below are very rough

estimates based on information provided by experienced Keys conservation land managers. These rough estimates are for lands that receive little public visitation. The estimates assume that some support will be provided by non-governmental organizations and other governmental organizations, and that some grant support will be obtained.

Table 2. Rough estimates of initial and maintenance annual costs per acre for conservation lands in the Florida Keys		
Natural Community Type	Initial annual costs/acre (1-3 yrs)	Subsequent annual management costs/acre
mangrove	\$200	\$20
hammock	\$600	\$100
pineland	\$1200	\$300

Assumes assistance from non-governmental organizations and some grant support.
Assumes low level of public visitation.

Monroe County and MCLA manage approximately 2000 acres of conservation lands. The annual budget is approximately \$300,000. Some of the funds come from the county's Land Restoration and Management Fund. A grant from DEP Bureau of Invasive Plant Management funds two additional positions plus a contractor to treat invasive plants on Monroe County and MCLA lands until about 2014.

Eventually, Monroe County/MCLA may be responsible for managing up to 6400 acres (2000 existing acres plus 4400 acres to be acquired). The approximate ratio of land cover types within environmentally sensitive areas to be acquired is 70% mangrove, 25% hammock and 5% pineland. Assuming the lands that the county will manage have this same proportion, a very rough estimate of the annual maintenance cost in today's dollars would be \$345,600. Additional funds, estimated at \$2.2 million, would be needed for initial maintenance costs. These figures assume that all of the Monroe County Florida Forever boundary amendment Tier I lands, Tier I lands outside of Florida Forever boundaries, Tier II lands and Tier III-A lands are acquired, an unlikely scenario. Given DEP's current success rate of about 25% on offers extended to landowners, an annual conservation lands management cost estimate for the existing 2000 acres plus one-fourth the remaining lands to be acquired, or \$167,000, may be more realistic. This figure does not include initial management costs. Additional land management costs may be incurred for management of acquired or donated lands that are important to limit development in the Keys, but do not have intrinsic conservation value.

Table 3. Rough estimate of continuing management costs for environmental land potentially to be managed by Monroe County					
Natural community type	Estimated no. acres to be managed if all acquired	Estimated initial mgmt costs	Estimated continuing mgmt cost/acre/yr	Estimated mgmt cost/yr if all acres acquired	Estimated cost/yr if 25% of remaining acres acquired*
Mangroves	4480	896,000	20	89,600	
Pinelands	320	384,000	300	96,000	
Hammock	1600	960,000	100	160,000	
Total	6400	2,240,000		345,600	167,000

Pinelands, hammock, and mangrove categories are aggregated land cover type groupings that include some other land cover types. Assumes assistance from non-governmental organizations and some grant support not represented in these estimates. Assumes low level of public visitation.

*Monroe County/MCLA presently own and manages about 2000 acres; the 25% figure is based on those 2000 acres plus 25% of additional lands that may be acquired

Land Management Planning

Land management planning is an integral part of managing conservation lands. By state law, Monroe County/MCLA will need to prepare a land management plan within a year of signing a lease to manage state-owned conservation lands (i.e., lands acquired by Florida Forever as requested in Monroe County's boundary amendment). These plans must go through a state approval process, and are to be updated every 10 years. The plan must also be updated if facilities are proposed that were not included in the approved management plan or if the land management is intended to vary from that described in the approved plan. State-owned land leases greater than 1000 acres are also evaluated by a land management review team at least every five years to ensure that the lands are being managed in accordance with the approved management plan and consistent with the purposes for which the land was acquired.

For environmental lands acquired by Monroe County/MCLA, county policy is that the county and cooperators will develop a planning process for publicly owned native lands. The process will be flexible to adapt to new information and acquisitions. Management plans, developed in coordination with managers of adjoining lands, will address protection, restoration and management of acquired lands. Management plans will be reviewed every three years and revised as needed.

Affordable Housing Land Acquisition

Affordable housing is not an issue that can be defined along municipal lines. Many of the people working in Key West, Marathon, and Islamorada live in unincorporated Monroe County, and vice versa. The BOCC and Monroe County Workforce Housing Task Force recognize this and recommend joint affordable housing efforts among the communities of the Keys. For example, the MCLA has bought land for affordable housing in Marathon that was conveyed to a community-based housing group, and plans to purchase affordable housing land in Islamorada as well. Key West and Monroe County each have interlocal agreements with the local Housing Authority, which manages publicly-owned affordable housing in Monroe County and applies for state funding for local government housing activities. DCA has encouraged cooperation on affordable housing between Keys local governments and indicated that such coordination could result in additional affordable housing ROGO allocations.

Workforce Housing Task Force

Monroe County has an active Workforce Housing Task Force, formed in July 2005. The Task Force made a series of recommendations to the BOCC in February 2006. In their recommendations, the Task Force cited the Shimberg Study finding of a deficit of 6500 affordable housing units in the Keys. The Task Force decided that the construction of 5000 affordable housing units in the next decade is a reasonable goal.

Implementation of Task Force Recommendations

Monroe County has taken tangible steps to implement many of the Task Force's recommendations. A Division of Housing and Community Development was established, with

James “Reggie” Paros as the Director. Mr. Paros’ job is to act as the catalyst to implement affordable housing initiatives. He also chairs the Housing Task Force.

Jerry Coleman, Esq., has been retained to assist the Task Force by drafting the recommendations into local ordinances, and a schedule has been established for implementing the ordinances. The county intends to act on 15 ordinances related to affordable housing by June 2006. One of the planned amendments will address coordination among Keys local governments with respect to affordable housing.

In February 2006, the county issued a Request for Qualifications for entities interested in developing and constructing affordable and workforce housing units for rental with restricted rental rates at four locations owned by the county. One corporation, the Carlisle Group, responded.

One of the ordinances already approved (Ordinance 005-2006, March 2006) is the Purchase and Development Program ordinance. A Request for Proposals to assist in implementing the ordinance was issued shortly after approval. Under this program, the county may purchase land suitable for affordable housing at 65% or less of appraised value. The county then leases the property back to the landowner or other entity for development of affordable housing. After development, the land is owned by the county and the improvements can be sold or rented as affordable housing. The land would be leased to the homeowner for a minimal fee.

Affordable housing land acquisition-related recommendations are addressed in Tools for Land Acquisition and Management, below.

Land Acquisition

Monroe County, through the MCLA, is active in acquiring land for affordable housing, with an emphasis on workforce housing. Subsequent to signing the cooperative agreement with DCA, the county investigated issuing a \$10 million bond for affordable housing using MCLA’s revenue stream, but discovered that statutes require that the bonding of MCLA funds be done through the state. After discussions with the Florida Division of Bond Finance, the bonding proved to be unfeasible due to the relatively small size of the proposed bond and other factors. The BOCC decided to use approximately \$3 million from the MCLA’s ROGO reserve to purchase land for conservation and affordable housing.

The county had developed a list of potential affordable housing sites in January 2001 and had since provided periodic reports to DCA concerning progress on acquiring these lands. Year Eight of the Work Program for the Florida Keys requires identification of potential acquisition sites for affordable housing proposals and inclusion in the Land Acquisition Master Plan (28-20.110(1)Policy 101.2.13, Florida Administrative Code). Subsequent to the signing of the cooperative agreement with DCA, Monroe County and the MCLA initiated an analysis of all vacant lands in the county as potential locations for multi-unit affordable housing. The criteria used were suburban commercial and mixed use zoned vacant parcels, non waterfront, ½ acre or greater, and not containing native upland habitat patches of 1 acre or more. Only about 32 parcels totaling 36 acres were identified. Inspection of the potential parcels revealed that more than three-fourths were not available or feasible due to such things as presence of wetlands, use as essential storage for adjacent commercial operations, and required open space.

Given the small number of potential sites, the county and MCLA elected not to advertise their interest in the sites through a public list for fear of increasing competition from other potential buyers. The county or MCLA has purchased two of the sites and another entity has purchased one of the sites for affordable housing. The county and MCLA are still pursuing several of the sites. It appears that redevelopment of sites will be an essential strategy in providing multi-unit affordable housing in the Keys.

From January 2004 through December 2005, the county/MCLA spent \$7.5 million on land for affordable housing. As of January 2006, 11 sites were planned for affordable housing development in Monroe County. The county owns five sites totaling approximately 5.5 acres, which are intended to provide 70 affordable housing units. Plans for six privately-owned sites totaling 12.4 acres are underway; these projects are intended to provide 323 affordable housing units. Two additional affordable housing acquisitions totaling more than \$2.5 million, mostly for land, are planned for 2006. The affordable housing expenditures and planned acquisitions total more than \$10 million, the amount cited in the agreement with DCA.

Addressing part of the Cooperative Agreement between the county and DCA, the state plans to make funds available for affordable housing through the Florida Housing Corporation (FHC). The response by Monroe County entities to the FHC's initial request for proposals (RFP) in October 2005 was not entirely successful due to restrictions associated with the RFP and hurricane-related activities. The RFP could only be used for affordable housing by a community-based entity and the income restrictions for occupants of the funded housing were too low to allow the housing to be used as workforce housing.

Only approximately \$1.75 million of the \$4 million reserved for Monroe County was successfully accessed in this RFP process. The MCLA had purchased land for affordable housing and conveyed it in August 2005 to a community-based group for development. However, the October 2005 RFP did not allow for reimbursement of those land costs, which would have then been used to construct affordable housing.

Given that Monroe County has the one of the worst income to housing expense ratios in the state, Monroe County felt the 2005 RFP was too restrictive. Monroe County representatives held discussions with the FHC. A new RFP has been issued (FHFC RFP 2006-03) which, for the Florida Keys only, allows funding to be used for rehabilitation and new construction if the offeror has title to the land. Of the \$4.9 million available statewide, \$2.2 million is reserved for the Keys. Indications are that qualifying Monroe County entities should receive approximately \$4 million/year for the next five years, for a total of \$20 million in affordable housing assistance through the FHC. Monroe County intends to facilitate establishment of a qualifying affordable housing entity for the Upper Keys to be eligible to participate in the next RFP.

The Monroe County Housing Authority sometimes buys land for affordable housing, often with buildings already in place. There is very little vacant land in unincorporated Monroe County suitable for multi-unit affordable housing. Targeting just these lands alone will not be sufficient to substantially alleviate the housing problem. It is likely that redevelopment of existing properties and acquisition of single home lots will also be necessary.

Estimated Future County Affordable Housing Land Needs

The MCLA recently purchased six vacant land properties (four multi-family and two single family) and one developed multi-family property for affordable housing. The mean cost per unit

of the vacant lands was about \$52,000. It appears that the cost/unit for single family properties will be higher than for multi-family properties. The sole developed multi-family property cost about \$104,000/developed unit. Based on the mean cost/unit for vacant land for the recently acquired projects, the cost of just the land for the 5000 affordable housing units targeted by the Workforce Housing Task Force would be about \$260 million. The Task Force has made several recommendations that could substantially reduce the cost per unit for affordable housing land. These are addressed in "Tools for Land Acquisition and Management".

Retirement of Development Rights

Administrative Relief

Unincorporated Monroe County has 197 residential dwelling allocations available for distribution each year through the Rate of Growth Ordinance (ROGO) process; a minimum of 71 of these are reserved for affordable housing. Applicants who have applied for a ROGO allocation for permission to build residential buildings in unincorporated Monroe County for four successive years and have not received a building allocation are eligible to apply for administrative relief. This relief may be an offer to purchase the property for fair market value, which must be at least the tax assessed value. The Board of County Commission has other relief options, including awarding the applicant an allocation or other measures the BOCC deems necessary and appropriate.

In anticipation of this expense, the county established a policy for creating a reserve for ROGO administrative relief land purchases. Starting in 1993, the MCLA set aside 35% of its recurring revenue, about \$400,000/year, in a reserve. From 1993 to 2003, MCLA purchased property from six ROGO administrative relief applicants for a total cost of \$800,000. All but \$12,000 of this was ultimately paid with state funds, primarily Preservation 2000 funds. No additional administrative relief land purchases have been made through May 2006. Almost all land involved in administrative relief since 2003 has been in Tier III subdivisions, and the BOCC has been giving allocations rather than making purchase offers. The BOCC has the authority to spend the ROGO reserve on other acquisitions, and in 2005 spent \$3 million of the \$4.25 million reserve on land for affordable housing and conservation. As of April 2006, the ROGO reserve stands at \$1.7 million.

It is difficult to estimate the timing and amount of funds that may be needed to provide administrative relief for ROGO. Numerous factors are involved. In an August 2003 memo to the County Administrator, the Executive Director of the MCLA cited the following factors: 1) how many property owners will choose to enter the ROGO competition; 2) how many ROGO allocations will be available for the county to issue; 3) which applicants will compete unsuccessfully for four years and become eligible for administrative relief; 4) which of the eligible applicants will choose to apply for administrative relief; 5) what form of administrative relief the Board will choose to offer; 6) how many eligible applicants will be willing sellers; and 7) the purchase price for a given property. In addition, there are often lawsuits in progress related to the ROGO system and the comprehensive plan and these may result in directed or settled awards. Some of the parcels that go through the ROGO process are in Tier I and in Florida Forever project boundaries, and the state may be willing to pay the administrative relief costs for purchasing these lots.

Recent ROGO Applications

In the ROGO ranking approved by the County Planning Commission for Year 14 Quarter 2 ROGO (period ending January 13, 2006), 591 of the 630 applicants were denied a ROGO allocation. Of the applications, 565 were rollovers or reapplications from previous quarters. One hundred thirty of the rollovers/reapplications were first submitted in 2002 or earlier, meaning they are now or this year will be eligible for administrative relief. In addition, 120 of the unsuccessful applications were submitted in 2003, meaning they will be eligible for administrative relief in 2007 if not granted an allocation before the end of that year.

These numbers can assist in providing a very rough estimate of administrative relief that may be required in the near future. Assuming an assessed value of \$117,000 per parcel, the 130 relief-eligible parcels have an assessed value of approximately \$15.2 million. If the 120 “three-year old” applicants stay in the process for the next cycle and are unsuccessful in being awarded an allocation, the assessed value for these additional parcels total \$14.0 million. The assessed value of the parcels of all 250 applications is estimated to be \$29.2 million. However, local ordinance requires that applicants eligible for administrative relief must apply within 90 days after having been denied an allocation for four consecutive years, so these potential payments do not accumulate from year to year.

When the Board of County Commissioners grants administrative relief by awarding an allocation, this allocation is subtracted from those available through the normal allocation process.

ROGO Lots

One way that applicants can score higher in the ROGO process is to purchase undeveloped lots and donate these to the county. From 1996 through 2004, a total of 644 lots were donated to the county as part of the ROGO process, an average of 72 each year. Once publicly held, these lots are removed from the overall inventory of private buildable land and therefore do not need to be acquired for the purposes of growth management or to retire private property rights.

Potential Future County Retirement of Development Rights Needs

The estimated cost to acquire environmentally sensitive lands in Tier I, Tier II and Tier III-A unincorporated Monroe County is addressed in “Estimated Future County Conservation Land Acquisition Obligations”, above. ROGO-related restrictions also raise the potential that additional non-environmentally sensitive land parcels will need to be purchased for retirement of development rights.

Currently, approximately 4,950 Improved Subdivision (IS) lots are designated as Tier III and available for housing. Assuming the number of available residential building permit allocations for unincorporated Monroe County remains at 197 per year, 3940 allocations will be available during the next 20 years. This leaves approximately 1000 Improved Subdivision lots that may either need to be acquired for property rights issues, may be donated or aggregated as part of ROGO, or will not be developed within the next 20 years.

Development trends, ROGO donation and aggregation, and other issues make estimating acquisition needs for retirement of private property rights difficult but it can be assumed that some parcels will need to be acquired for retirement of private property rights. From about October 2005 through March 2006, the average sale price of a buildable lot in unincorporated Monroe County was approximately \$117,000, excluding waterfront sales. If the average cost per vacant lot in Tier III is \$117,000, a rough estimate of the approximate cost of these 1000 lots in today's dollars is \$117 million. Purchasing of development rights due to lawsuits would likely have a higher cost per parcel.

Summary Of Funding Needs

The following table (Table 4) summarizes the rough estimates of funds that may be needed for land acquisition and environmental land management. As noted in the sections above, there are many caveats associated with these estimates that should be considered when reviewing the numbers. It is unlikely that all landowners will sell their holdings, so 25% of the total estimated cost is also presented.

The total estimated cost of lands to be acquired through Florida Forever, based on recent Florida Forever acquisitions at an average of \$35,000/parcel, is \$298 million. This figure does not take into account recent Florida Forever purchases or contracts and assumes that all vacant lands within the Florida Forever boundary will be acquired. The total cost of conservation lands to be acquired by Monroe County/MCLA based on the \$35,000/parcel figure is \$57 million. These lands are not all in Tier I and may cost more to acquire. Florida Forever may assist with the acquisition of a portion of the Tier I lands currently outside of Florida Forever boundaries.

Land for the 5000 affordable housing units targeted by the Workforce Housing Task Force would cost approximately \$260 million, based on recent purchases. Federal and state funds are available for a portion of these costs, but substantial local funds will be needed. Retirement of development rights, based on the recent average sale price of \$117,000 per parcel for buildable lots is very roughly estimated at \$117 million. It is likely that local sources will have to pay for most of this. If all targeted environmentally sensitive lands outside of Florida Forever, lands for affordable housing, and the retirement rights of 1000 lots were acquired, the estimated cost is approximately \$434 million.

A rough estimate of county costs for managing conservation lands is \$345,600 per year, \$9.1 million over 20 years, based on acquisition of all parcels targeted for conservation and assuming that all lands are acquired immediately. The 20-year estimate includes the initial management costs, which the annual estimate does not. Most of the management funds will need to be generated from local sources.

Some of these projected costs will be mitigated by other actions. The local funds Monroe County/MCLA used to buy lands within Florida Forever project boundaries may be reimbursed and will then be available for other MCLA activities. ROGO lot donations will also reduce the number of parcels to be bought for retirement of development rights. Some of the Workforce Housing Task Force recommendations, if implemented, will reduce the amount of land that needs to be purchased for affordable housing. These recommendations, additional ways to potentially decrease costs and potential funding sources are presented in "Tools for Land Acquisition and Management", below.

Table 4. Rough estimates of funds that may be needed for conservation and affordable land acquisition, conservation land management, and retirement of development rights						
<u>Category</u>	<u>Anticipated Purchasing Program/ Funding Source</u>			<u>Estimated cost/unit</u>	<u>Estimated Costs (millions)</u>	<u>25% of cost for this category (millions)</u>
Environmental lands		Acres	Parcels			
Tier I FL Forever Areas to be acquired	FL Forever-BOT/FL Forever funds	9,453	8,527	\$35,000	\$298	
Tier I FL Forever Opt-Out Areas	FL Forever- BOT/FL Forever funds/local funds	475	496	\$35,000	\$17.3	
Tier I FL Forever Left-Out Areas	MCLA/Local funds	213	231	\$35,000	\$8.1	
Tier II Vacant Big Pine/No Name Keys	MCLA/Local funds	97	504	\$35,000	\$17.6	
Tier III-A SPA (Vacant Parcels)	MCLA/Local funds	120	393	\$35,000	\$13.8	
<u>Subtotal</u> environmental lands		<u>10,358</u>	<u>10,151</u>		<u>\$354.8</u>	<u>\$88.7</u>
Affordable housing land		Units			Estimated land cost	
	MCLA/fed, state, local & private	<u>5000</u>		<u>\$52,000</u>	<u>\$260</u>	<u>\$65</u>
Retirement of development rights			Parcels		Estimated land cost	
	MCLA/local & state		<u>1000</u>	<u>\$117,000</u>	<u>\$117</u>	<u>\$29.3</u>
<u>Estimated total land acquisition costs</u>					<u>\$732</u>	<u>\$183</u>
Conservation land management		Acres		Estimated annual cost/unit	Estimated annual cost	
	Local with some grants	320 acres pinelands, 1600 hammock, 4480 mangrove		\$300/ac/yr pinelands, \$100/ac/yr hammock, \$20/ac/yr mangrove	<u>\$0.35</u>	
					Estimated 20-year cost*	
					<u>\$9.1</u>	<u>\$3.9</u>

- Tier and Florida Forever information generated using the Monroe GIS and information from DEP
- Environmental land management costs only pertain to land owned by MCLA or Monroe County; does not include federal, state and private organization costs to manage their lands.
- Estimated annual environmental land management does not include initial land management costs
- Estimated 20-year land management cost is calculated as though all lands were acquired in year 1 and includes initial mgmt costs; the 25% figure is based on 2000 already owned acres plus 25% of additional lands that may be acquired
- Estimates are in 2005 dollars
- Pinelands, hammock, & mangrove categories are aggregated land cover type groupings that include some other land cover types
- Conservation land management numbers are derived from Table 3

Tools for Land Acquisition and Management

This section provides a summary of active funding and non-funding sources for conservation land acquisition, conservation land management, affordable housing, and retirement of development rights in the Keys. Partial lists of existing, currently untapped funding and non-funding sources potentially available to assist with these activities are also provided. The sources are not described in detail.

Some potential new funding sources are also suggested. Potential sources linked to specific uses, if any, are addressed in the separate land acquisition and management sections. Sources that could be used for multiple purposes are listed in the end of this chapter. For sources that are not existing sources or are expansions of funding sources that do not have severe restrictions, it may be possible to craft the funding program so that funds are available for multiple purposes.

Conservation Land Acquisition

Types of Land Acquisition

Land acquisition is usually accomplished in two forms: fee simple and less than fee simple. In fee simple, the buyer acquires all rights from the landowner seller. With less than fee simple, the buyer acquires only some rights from the landowner. When this less than fee simple acquisition is for conservation purposes, it is often called a conservation easement. A conservation easement prohibits or limits development of the land and usually prescribes a particular management regime or management results. Natural resource conservation easements are generally negotiated for fairly large tracts of land. Monitoring by the easement holder is required to ensure that the terms of the easement are followed.

Conservation Land Acquisition Entities

Conservation land acquisition entities and funding sources can be broadly grouped into four categories: federal, state, local, and non-governmental organizations (NGOs), such as The Nature Conservancy and the Conservation Fund. Entities in all four categories have been active at some time in the Keys.

Land Acquisition Funding Sources and Programs Currently or Recently Used in the Keys

The activities of conservation land acquisition entities and levels of funding sources can ebb and flow for a variety of reasons. Below is a partial list of land acquisition entities and funding programs that are currently or were recently active at a significant level for conservation land acquisition in the Florida Keys.

Federal

Currently no significant activity

State

- Florida Forever/Board of Trustees – three projects in the Florida Keys are on the Florida Forever list and the state is actively trying to buy all lands within the project boundaries. The Florida Forever/Board of Trustees program receives approximately \$100 million/year for state-wide acquisitions; \$93M has been pledged to the Keys projects.
- Florida Communities Trust (used by other communities in the Keys, not currently being accessed by the county) – land acquisition grant program that provides funding to local governments and eligible non-profit environmental organizations for acquisition of community-based parks, open space and greenways that further outdoor recreation and natural resource protection needs identified in local government comprehensive plans . The Florida Communities Trust receives approximately \$66 million/year; each local government can receive up to \$6.6 million per year.

Local

- Monroe County Land Authority
- Tourist Impact Tax - room tax that provides approximately \$1million/year for a variety of land acquisition purposes in Monroe County outside of Key West.
- State Park Entrance Fee Surcharges – provides approximately \$400,000/year for the MCLA and also county operations
- Land Acquisition Fund – ROGO applicants can be awarded up to two points for a monetary payment by the applicant to the county's land acquisition fund for the purchase of lands for conservation, and retirement of development rights. The monetary value of each point is set annually by the county.

Non-governmental Organizations

- The Conservation Fund
- The Nature Conservancy
- Trust for Public Land

Non-Funding Sources for Land Acquisition

Local

Donation of ROGO lots – ROGO allocation applicants can increase their scores by donating undeveloped lots with certain characteristics to Monroe County.

Existing Funding Programs and Sources Not Being Used for Conservation Land Acquisition in the Keys

A variety of existing funding programs and sources suitable for conservation land acquisition are not currently being used in unincorporated Monroe County. Some are better suited for conditions in the Keys than others. Not all of these programs target conservation lands, but can be used for this in certain situations. Oftentimes, to be successful in obtaining funding, the specific land parcel should be matched to a funding source. Below is a sampling of funding programs and sources that are not being used in the unincorporated Monroe County but for which the county may be eligible. In general, the amount of funds available through these programs is much less than that available through Florida Forever. However, funds through these programs can supplement Florida Forever funds, and may assist in the acquisition of lands that Monroe County intends to purchase.

Federal (many of these funds are distributed by state agencies)

- Hazard Mitigation Grant Program (HMGP) – projects must provide long-term solutions to problems (for example, retrofitting of public facilities to reduce the risk of hurricane damage) and may be used to protect either public or private property or to purchase property that has been subjected to, or is in danger of, repetitive damage.
- Pre-Disaster Mitigation (PDM) Program - provides grants to tribes, states, and local governments for cost-effective hazard mitigation activities that complement a comprehensive multi-hazard mitigation program. Eligible projects are similar to those under the HMGP. Funding under the PDM is not tied to a disaster. The program is nationally competitive on an annual basis.
- Migratory Bird Conservation Fund/FWS - allows FWS to acquire important migratory breeding areas, migration resting places, and wintering areas. Areas acquired become part of the refuge system
- Cooperative Endangered Species Conservation Fund Act Program/FWS - provides grants to states for Recovery Land Acquisition.
- State and Tribal Wildlife Grants/FWS - helps states and tribes to implement comprehensive wildlife conservation plans and activities.
- Federal Aid and Wildlife Restoration – Grants to States - apportions funds to states and territories for use in restoring and protecting wildlife.
- National Scenic Byways Program - provides grants in support of eligible projects, including protection of natural resources in an area adjacent to a scenic byway.
- Coastal and Estuarine Land Conservation Program (CELCP) - provides matching funds to states to acquire land or easements to protect or restore coastal areas that have considerable conservation, recreation, ecological, or economic value and are threatened by conversion from their natural state to other uses or could be managed or restored to effectively conserve, enhance or restore ecological function.
- North American Wetlands Conservation Act/FWS - may fund the acquisition of habitat for waterfowl and migrating birds in support of the North American Waterfowl Management Plan
- National Marine Sanctuary/NOAA – funds may be available to acquire lands that are essential to protecting the resources of the Florida Keys National Marine Sanctuary
- Readiness and Environmental Protection Initiative (REPI)/ U. S. Department of Defense – funds may be available to help buffer Key West Naval Air Station.
- LWCF – funds may be available if line-item appropriations are restored for National Key Deer Refuge or Great White Heron and Crocodile Lake National Wildlife Refuges.

State

- Florida Communities Trust
- Florida Forever/South Florida Water Management District (SFWMD) – current funds and those in the near future are committed for acquisition of lands for the Comprehensive Everglades Restoration Plan (CERP)
- Florida Forever Program Inholdings and Additions Programs – acquire inholdings and additions to existing FDEP, FWC, and FL Division of Forestry conservation lands
- Florida Forever Office of Greenways and Trails Land Acquisition Program (FDEP) - funds the statewide initiative to create a system of greenways and trails connecting communities and conservation areas

- Florida Recreation Development Assistance Program (FRDAP)/FDEP – funds the acquisition or development of land for public outdoor recreation

Local – funding sources listed below are being used to fund other local government needs. Eligibility to use these funds on conservation land acquisition may be restricted.

- Local Government Infrastructure Sales Surtax (Fund 304)
- Guaranteed Entitlement/Revenue Sharing
- Half Cent Sales Tax
- County Fuel Taxes
- Gas Tax Revenues
- Ad Valorem Revenues

New Funding Sources for Conservation Land Acquisition

Key Deer Habitat Conservation Plan Acquisition Fund

This fund, agreed to in the Key Deer Habitat Conservation Plan, is being established by the county to provide mitigation for development on Big Pine Key and No Name Key. An ordinance is being prepared that will affect 100-200 lots on these keys. An average of about \$35,000 in mitigation fees will be assessed per lot permit. Depending on the number of permits issued under the ordinance, about \$3.5 to \$7 million will be collected and used for acquisition of land on Big Pine and No Name Keys.

Keys Environmental Restoration Fund

The Keys Environmental Restoration Fund is primarily financed with mitigation funds from the Army Corps of Engineers. Funds from this source are used for restoration; however, it is likely that mitigation funds for acquisition of environmental lands soon may become available. Discussions are underway, and The Nature Conservancy is likely to administer land acquisition funds.

Conservation Lands Management of County or MCLA-owned Lands

Land Management Funding Sources and Programs Currently or Recently Used in the Keys

In general, the agency managing conservation lands is responsible for providing the funds for management efforts. The major federal and state government and non-governmental organizations that manage land in the Keys, USFWS, FDEP, FWC and the Nature Conservancy, obtain their own management funds.

Federal

- FWS National Wildlife Refuge – the federal government provides funds for management of refuge lands
- Department of Defense – management of military lands is provided through the Department of Defense, and must comply with federal laws such as the Endangered Species Act and the National Environmental Policy Act (NEPA)

State

- CARL Trust Fund – for state-owned lands managed by state agencies

- FDEP Upland Plant Management Program – statewide funding program that funds invasive plant management in the Keys on an annual basis, including salaries for two technicians for initial control of invasive exotic plant species on county-owned lands
- FWC Gambian rat control – FWC is funding efforts to control this rodent in the Grassy Key area

Local

- Land Restoration and Management Fund/Monroe County – budgeted at \$220,000 for FY 07, for restoration of county-owned environmental lands
- Monroe County Land Steward – position funded by Monroe County and supervised by Monroe County Land Authority

Non-governmental Organizations

- Keys Environmental Restoration Fund/managed by Audubon of Florida – funds from grant sources, state and federal permit mitigation fees, fines and penalties levied for unpermitted development, and private donations used for restoration, mostly on public lands
- The Nature Conservancy – funds management activities on TNC lands
- Florida Keys Land and Sea Trust – management funds for Crane Point Hammock

Non-Funding Sources for Conservation Land Management

- GreenSweep/The Nature Conservancy - this volunteer program puts people with an interest in conservation to work on priority land management projects. GreenSweep projects are focused on invasive species control, fire hazard reduction and native plant restoration, primarily on public lands but to an increasing degree on private lands adjoining public lands. GreenSweep is primarily funded by government grants and contracts with limited private funding.
- The Florida Keys Invasive Exotics Task Force and the Keys Wildland Fire Hazard Reduction Initiative, described in “Efforts and Current Status”, coordinate management efforts for invasive plant species and wildland fire.

Existing Funding Programs and Sources Not Being Used for Conservation Land Management in the Keys

Most land management funding programs do not provide money for continuing, maintenance-type land management activities. These types of costs are expected to be borne by the local managing agency. Funds are often available for one-time type projects, such as control of exotic species and restoration, with the expectation that the local land manager will maintain the resources after the project ends. Often these programs are targeted to volunteer efforts.

Federal (many of these funds are distributed by state agencies)

- NOAA Community-based Restoration Program - a grass-roots approach to restoration by actively engaging communities in on-the-ground restoration of fishery habitats around the nation
- USFWS Coastal Ecosystem Program - conserves fish and wildlife and their habitats to support healthy coastal ecosystems. The FWS provides funding through the program to 22 high-priority coastal ecosystems, including the Florida Keys area as part of the

Everglades/South Florida Ecosystem. Used by TNC for GreenSweep but underutilized for many other possible activities.

- State and Tribal Wildlife Grants/FWS - helps states and tribes to implement comprehensive wildlife conservation plans and activities.
- Federal Aid and Wildlife Restoration – Grants to States - apportions funds to states and territories for use in restoring and protecting wildlife.
- Coastal and Estuarine Land Conservation Program (CELCP) - provides matching funds to states to acquire land or easements to protect or restore coastal areas that have considerable conservation, recreation, ecological, or economic value and are threatened by conversion from their natural state to other uses or could be managed or restored to effectively conserve, enhance or restore ecological function.
- National Coastal Wetland Conservation Grants/USFWS - to protect and restore coastal wetlands

State

- Florida Coastal Management Program (FCMP) – NOAA funds distributed to support coastal management activities. Used by TNC for GreenSweep but underutilized for Keys in general.
- Florida Recreation Development Assistance Program (FRDAP)/DEP – funds the acquisition or development of land for public outdoor recreation

Local – funding sources listed below are being used to fund other local government needs. Eligibility to use these funds for retirement of development rights may be restricted.

- Local Government Infrastructure Sales Surtax (Fund 304)
- Guaranteed Entitlement/Revenue Sharing
- Half Cent Sales Tax
- County Fuel Taxes
- Gas Tax Revenues
- Ad Valorem Revenues

Private

- There are a variety of private foundations that provide funding for conservation management-related activities, such as the National Fish and Wildlife Foundation.

Affordable Housing

Affordable Housing Land Acquisition Entities

In recent years, the Monroe County Land Authority has been the main entity purchasing land for affordable housing in unincorporated Monroe County. The Monroe County Housing Authority also purchases land for affordable housing on a limited basis. Land trusts can also purchase land for affordable housing. Private individuals and corporations can also purchase lands for affordable housing. Some ROGO allocations (71/year in unincorporated Monroe County) are for affordable housing only, so this encourages private participation.

Because of the extreme difference between median income and median housing costs in the Keys, Monroe County has chosen to focus affordable housing efforts on workforce housing. Many of the standard affordable housing programs do not mesh well with this housing need

because the program income standards are often for those with low and very low incomes, as versus moderate incomes.

Affordable Housing Land Acquisition Funding Sources and Programs Currently or Recently Used in the Keys

Federal

In general, for a community the size of Monroe County, federal housing funds are administered by state housing programs.

State (mixture of state and federal funds, administered through state organizations)

- Community Development Block Grants (CDBG)/DCA - funding for housing and community development
- State Housing Initiatives Partnership (SHIP)/Florida Housing Finance Corporation - funds provided as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing
- HOME Investment Partnerships program (HOME) - assists with the construction of homes or to provide purchase assistance to the homebuyer
- Section 108 Loan Guarantee Program (part of CDBG) - loan guarantee provision that provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects

Local

- Monroe County Land Authority - funds are used for acquisition of land for affordable housing, as well as purchase of properties that have housing in place.

Non-governmental Organizations

- Habitat for Humanity of Key West and the Lower Florida Keys
- Habitat for Humanity of the Middle Keys
- Habitat for Humanity of the Upper Keys
- Bahama Conch Community Land Trust
- Florida Keys Community Housing and Land Trust, Inc. (affiliated with Habitat for Humanity of Key West and the Lower Florida Keys)
- Habitat for Humanity of the Middle Keys Community Land Trust, Inc.
- Middle Keys Community Land Trust

Existing Funding Programs and Sources Not Being Used for Affordable Housing Land Acquisition in the Keys

There are a variety of funding programs not being used in the Keys because the programs don't match Monroe County's workforce housing needs. The MHCA retains consultants to help target potential funding sources that match the Keys needs. MHCA also consults with the Florida Housing Coalition for technical assistance.

Potential Non-Funding Sources for Affordable Housing Land Acquisition

The Monroe County Workforce Housing Task Force suggested “adjusting the ROGO point system to permit an award of six (6) points (in contrast to the current two (2) points) for the donation of a ‘ROGO-lot’ where no negative environmental conditions on the lot or other factors would otherwise prevent the immediate construction of an affordable/workforce housing unit by a qualified owner/developer.” The benefit of this recommendation should be weighed against the likelihood that fewer environmentally sensitive ROGO lots would be donated to the county, with the county perhaps eventually needing to purchase those lots.

Some changes proposed by the Task Force would not result in the acquisition of more land, but could lessen the need to acquire land for affordable housing by increasing density on affordable housing lands. These proposals include:

- Allow density for affordable housing projects to be calculated on gross acreage vs. net or open space requirement-based acreage
- Density bonuses calculated on the number of affordable units otherwise allowable on a developable parcel

The City of Key West is considering easing height restrictions for affordable housing as a way of increasing density on affordable housing lands.

Other Task Force proposals would result in less affordable housing land needing to be purchased. These include:

- Negotiate to extend the length of time for restrictions on affordable housing with non-permanent restrictions – would result in existing affordable housing staying affordable for a longer period of time
- “Save Our Homes”-type ad valorem property tax increase limitation on rental affordable housing to encourage the housing to remain affordable

More detailed information is available from the Workforce Housing Task Force.

Technical assistance regarding affordable housing funding is available through the Florida Housing Coalition.

Retirement of Development Rights

Entities Involved in Retirement of Development Rights

In recent years, the Monroe County Land Authority has been the main entity purchasing land related to retirement of development rights in unincorporated Monroe County. The Monroe County Board of County Commission makes decisions regarding retirement of development rights for landowners whose property has been denied an allocation award for four successive years in the Residential (ROGO) or Non-residential (NROGO) Permit Allocation System and meets other requirements. One of the remedies is for the BOCC to request the Monroe County Land Authority to offer to purchase the land. If the parcel is acquired and is within a Florida Forever project, the state may reimburse the MCLA for the acquisition.

The county also has a beneficial use procedure through which an owner of real property may apply for relief from application of land use regulations or the Comprehensive Plan when such

application would have the effect of denying all economically reasonable use of that property unless such deprivation is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare of its citizens under Florida Law. Again, one of the remedies is for the BOCC to request the Monroe County Land Authority to offer to purchase the land. Again, if the parcel is acquired and is within a Florida Forever project, the state may reimburse the MCLA for the acquisition.

A landowner may also file a lawsuit against the county related to ROGO, NROGO, or beneficial use. In this case, the state may become involved because of the influence of the Area of Critical State Concern designation on the county's comprehensive plan.

Funding Sources Currently Being Used

State - If MCLA purchases parcels within Florida Forever project boundaries for retirement of development rights, MCLA may be reimbursed by the Florida Forever/BOT program

Local – MCLA funds are currently used for retirement of development rights.

Existing Funding Sources Not Being Used

There are no funds specifically available for retirement of development rights that are not being used at this time. Funding sources listed below are being used to fund other local government needs. Eligibility to use these funds for land for affordable housing may be restricted.

- Local Government Infrastructure Sales Surtax (Fund 304)
- Guaranteed Entitlement/Revenue Sharing
- Half Cent Sales Tax
- County Fuel Taxes
- Gas Tax Revenues
- Ad Valorem Revenues

Non-funding Sources

The Monroe County Comprehensive Plan describes two non-funding remedies for retirement of development rights – granting of a permit for development from the ROGO/Permit Allocation System (described previously) and granting of transferable development rights (TDRs). According to a Monroe County staff analysis, the TDR program is intended “to mitigate the impact of new development regulations on development expectations and property rights by allowing rights to be transferred (or sold) from properties which are precluded from development.” TDRs have been used in Monroe County, but not to a great extent.

Potential New or Increased Funding Sources for Conservation Land Acquisition and Management, Affordable Housing, and Retirement of Development Rights

A variety of new funds and funding sources for land acquisition and management and retirement of development rights is possible. One of the simplest ways to increase available funds can be to increase the funds from an existing source. However, some funding sources may be at a

statutory cap, and one or more statutes may have to be revised to increase funding. Depending on how a funding source is developed, it could be available for conservation land acquisition, conservation land management, affordable housing, and/or retirement of development rights.

In general, any new taxes require state legislation, a vote of the Monroe County Board of County Commissioners, and approval in a public referendum. Depending on the wording in the legislation, if a tax is being increased a referendum may not be required.

Another tack is possible if non-restricted local funds are now being spent on certain budget items for which restricted funds taxing authority is available. In this case the restricted funds taxes could be increased and the additional revenue could be used to fund budget items that are currently being funded by unrestricted funds. These unrestricted funds could then be used for affordable housing, environmental lands acquisition and management, and retirement of development rights. For example, if general funds are being used to fund transportation projects, it may be possible to increase revenues from sources restricted to transportation projects, such as gas taxes, and then apply the freed-up general funds to affordable housing.

A partial list of new or increased funding sources is presented below. Some notes are included if a source seems more logically linked to particular needs. The recommendations of the Workforce Housing Task Force are included. All of the potential sources should be investigated in more detail rather than relying on the brief outlines provided.

Potential Local Funding Sources

Authorization and Adoption of a (or an Additional) Local Option Sales Tax

A local option sales tax (addition) could be structured to address conservation land acquisition and management, affordable housing, and retirement of development rights. This was one of the Workforce Housing Task Force's recommendations to provide funds for affordable housing. If the local option sales tax is at the maximum statutory limit, it would probably require state legislation, a referendum, and BOCC votes to increase the tax.

Authorization and Adoption of an Additional "One-Penny" to the Tourist Development ("Bed") Tax

The Workforce Housing Task Force's recommendations to provide funds for affordable housing included a suggestion that an additional amount could be added to the Tourist Development Tax. As currently written, proceeds from this tax (125.0104, FL Statutes) are restricted to be spent on tourist development, such as convention centers, sports arenas and tourism advertisements. It is likely the Task Force meant the Tourist Impact Tax (125.0108, FL Statutes), which is used to fund the land authority and to offset the loss of ad valorem taxes due to acquisitions through the Tourist Impact Tax. The county's current tax rate is at the statutory maximum, so an increase would require state legislation. A change in how the proceeds could be expended beyond those specified in statute would also require state legislation. Local votes would also be required.

Reallocation of Existing Tourist Development ("Bed") Tax revenues

The Workforce Housing Task Force's recommendations to provide funds for affordable housing included a suggestion that the existing Tourist Development Tax could be reallocated. As currently written, proceeds from this tax are restricted to be spent on tourist development, such as convention centers, sports arenas and tourism advertisements. Changes in the allocation of revenues from this source that are not provided for in law would require state legislative

changes. Reallocation of funds from the Tourist Development Tax would mean fewer dollars would be available for tourism advertisements and tourist-related facilities.

Authorization and Adoption of a Real Estate Transfer Tax

A real estate transfer tax is a tax assessed on real property when ownership of the property is exchanged between parties. It generally applies to all types of real property, including residential, commercial, and agricultural. At the state level, the real estate transfer tax is partially used to fund Florida Forever and the programs funded through the Sadowski Affordable Housing Act. A real estate transfer tax to be used at the local level was one of the Workforce Housing Task Force's recommendations to provide funds for affordable housing. This taxing authority probably does not currently exist, and would require state legislation, then a referendum and ordinance.

Ad Valorem Revenues Increases

Monroe County could increase revenues for all of the land acquisition and management programs by using ad valorem revenues. Existing revenues could be used to support debt for these purposes. However, a voter approved referendum would be required to issue general bonds secured by ad valorem millage. In addition, revenues from the current level of taxation are already being used to fund county operations.

Another option is to increase the ad valorem tax rate, which is currently well below the maximum 10 mills for county operation and maintenance allowed by the state constitution. This increase would just require a majority vote by the BOCC. The increased revenues could be directly used to fund land acquisition and management programs without the issuance of debt, so no referendum would be required. However, this tax increase would aggravate the affordable housing issue by making it more expensive to own or rent a home.

Gas Taxes

Three types of local gas taxes are paid in Monroe County - the two cent constitutional gas tax, the one cent County Gas Tax, and a local option motor fuel tax of up to twelve cents that counties may impose. Monroe County levies six cents. In general, state law requires that the gas tax revenues be spent on transportation-related issues. The local option gas tax generates approximately \$1.5 million/year for Monroe County. Doubling it would probably raise about an additional \$1.5 million/year. If non-transportation linked revenue funds are currently being spent on eligible transportation costs by the county, an increase in gas taxes could allow an equal amount of non-transportation linked revenue to be shifted to other expenses, such as affordable housing, environmental lands acquisition and management, and retirement of development rights.

Impact Fees and Impact Taxes

A fee is charged for a service rendered or benefit received. In order for impact fees to withstand challenge as an unauthorized tax, the Florida Supreme Court has ruled that the fee amount must be reasonable and proportionate to costs incurred as a result of the development, and that fee proceeds must be specifically earmarked to fund these costs. Fees generally require the approval by a vote of the Board of County Commissioners.

The Workforce Housing Task Force recommended new or additional impact, user or linkage fees to provide funds for affordable housing. Some impact fees could probably be implemented through local ordinances. Impact fees are intended to provide for future needs caused by future growth. Since the county has been acquiring environmentally sensitive lands for years, it may be possible to have new impact fees for protection of environmental lands. Not a great deal has

been done for affordable housing in the past, so it may be difficult to have impact fees for affordable housing, since much of the affordable housing need is the result of past growth and the new fees would have to apply to new growth impacts, not old growth impacts.

Impact taxes are more easily formulated and administered than impact fees. It is difficult to demonstrate the proportionate relationship of a new impact fee to new community growth. As a result most impact fees only recover a portion of the incremental costs of the new growth. Impact taxes, however, can recover all governmental costs of the new growth rather than a series of impact fees for the different types of services and facilities provided and associated with new growth. The calculation of an impact tax and the accountability of the tax revenues can be simpler than for an impact fee.

As for other taxes, new impact taxes would generally require state legislation, a local referendum and one or more votes by the BOCC. Alternative strategies for impact taxes include:

- 1) A Per Unit Levy on Physical Characteristics of New Structures, such as per living unit, per bedroom, per square foot, or per unit of land area developed
- 2) An Excise Tax on Sales of Construction Materials
- 3) An Occupational License Tax on Building Contractors based on the value of completed property
- 4) A Gross Receipts Tax on Contractors and Developers
- 5) A Rezoning / Redevelopment Tax, based on the category to which the land is rezoned and the number of acres involved

Real Estate Transfer Gap Tax

Florida has a real estate transfer tax at the state level on the value of deeds and mortgages. A variation of this would be a gap tax, which at the time of sale would assess a tax on the difference between the selling price of a property and its ad valorem assessment. Local real estate transfer tax authority requires state legislation and a local referendum.

Implementation Strategies for the Land Acquisition and Management Master Plan

Monroe County has taken significant steps toward fulfilling its commitments in the January 2004 cooperative agreement with the Florida Department of Community Affairs. The MCLA has spent \$7.5 million for affordable housing land and two additional acquisitions totaling more than \$2.5 million are planned for 2006. In March 2006, the BOCC made numerous, substantive changes to Monroe County's 2010 Comprehensive Plan and approved analogous Land Development Regulations. These amendments adopted the Tier System, set the priorities and framework for the land acquisition process and master plan, and directed how acquired lands were to be managed.

Implementation of the Land Acquisition and Management Master Plan (LAMMP) will take substantial additional funding. The county is committed to securing additional funds, from both local and non-local sources. In addition, some non-funding related actions can contribute to successful performance. However, it is recognized that with the uncertainty concerning the county's ability to successfully secure sufficient funding from state and federal governments for their fair share of the financial support for the Land Acquisition Program and the demands placed on the county's limited financial resources to address wastewater and other critical issues, the Land Acquisition Program may extend well beyond 20 years. In implementing this Land Acquisition and Management Master Plan, Monroe County is only committed or financially obligated to the extent that local, state, and federal funds are available.

Land Acquisition Priorities

The Monroe County Comprehensive Plan clearly lays out the types of lands that should be acquired, priorities for land acquisition, and criteria for assigning priorities within categories.

Types of Land to Acquire (Monroe County Local Government Comprehensive Plan Policy 102.4.2)

The Comprehensive Plan directs the Land Authority and the Growth Management Division to identify the types of lands to consider for acquisition. These types include, at a minimum:

1. designated Tier I (Natural Areas) lands;
2. restoration areas between fragmented hammocks to increase the contiguous hammock size and buffers where appropriate and lands containing naturally occurring and native habitats;
3. fresh water wetlands, and undisturbed salt marsh, and buttonwood wetlands;
4. patches of upland native vegetation of one acre or greater in area in Tier III, designated as Special Protection Areas, that provide habitat for small birds and animals and contribute to the quality of the neighborhoods;
5. lands containing unique geologic features;
6. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;
7. lands in Tier III for employee and affordable housing that do not involve the clearing of any upland native vegetation contained within a patch of one acre or greater;

8. lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches water access;
9. lands which offer the opportunity for preservation of significant archaeological or historical sites; and
10. lands with habitat value on Big Pine Key and No Name Key to meet mitigation requirements of the Big Pine Key and No Name Key Habitat Conservation Plan

Development of a Priority List of Land Acquisition Sites (Policy 102.4.3)

The Comprehensive Plan directs the Land Authority and Growth Management Division to develop a priority list of acquisition sites. This list is to be updated annually with public input and in consultation with representatives of FDEP, FDCA, USFWS, SFWMD, FWC and others as appropriate (Policy 205.5.2).

Priorities shall be:

1. Priority 1 - Tier I lands and land for affordable housing in Tier III that does not involve any clearing within an upland tropical hammock or pineland of one acre or greater in area
2. Priority 2 - land with fragmented hammocks or pinelands of greater than one-acre in area and fresh water wetlands, undisturbed salt marsh, and buttonwood wetlands [Tier III-A, Special Protection Areas]
3. Priority 3 - Tier II (Big Pine Key and No Name Key) and Tier III lands

As part of this process, a list of priority native upland habitat acquisition sites in Tier I will be developed by Monroe County in consultation with representatives of FDEP, FDCA, USFWS, SFWMD, FWC and others as appropriate. Public input will also be considered (Policy 205.5.2).

The Comprehensive Plan provides further criteria on ranking within these priority areas (Policy 102.4.6). Criteria include:

1. the size and location of the property and surrounding land uses including management status
2. minimization of the edge to area ratio of parcels by combining lots for acquisition
3. potential for successful reclamation if within a larger, better hammock quality area, and
4. maintenance costs for isolated parcels

For affordable and employee housing, the following criteria were defined:

1. Parcels in Tier III that are suitable for the development or redevelopment of six or more residential units will be identified and prioritized for acquisition.
2. Priority for acquisition will be given to projects that are ready to proceed with ROGO allocation available.
3. Public/private/non profit partnerships and/or agreements will be utilized to develop the site and maintain affordability of residential units in perpetuity.

The Comprehensive Plan provides additional guidelines for selecting land to acquire for affordable housing (Policy 601.1.8):

1. The location of endangered species habitat, as specified on the most recent Protected Animal Species maps. Sites within known, probable or potential threatened or endangered species habitat shall be avoided.

2. The environmental sensitivity of the vegetative habitat. The habitat sensitivity shall be determined according to the ranking specified in the Environmental Design Criteria section of the Land Development Regulations. Unless no feasible alternative is available, disturbed sites shall be selected.
3. The level of service provided in the vicinity for all public facilities. Areas which are at or near capacity for one or more public facility should be avoided.
4. Proximity to employment and retail centers. Sites within five miles of employment and retail centers shall be preferred.

The Comprehensive Plan provided further guidance for land to be acquired for environmental protection, density reduction and passive recreation (Policy 102.4.6):

1. Public acquisition, ownership and maintenance will be the preferred option for Tier I lands and for clusters of undisturbed wetland and tropical hardwood hammock, or pineland patches of one acre or greater in size in Tier II (Big Pine and No Name Key) and Tier III;
2. Buy/sell back to the adjacent property owner's option will be followed in Tier II, where sprawl and density reduction and mitigation requirements of the Habitat Conservation Plan for Big Pine Key and No Name Key are the prime impetus for land purchase. A higher priority for acquisition will be given to those parcels in Tier II (Big Pine and No Name Key) with neighboring properties owners or communities who want to partner with the county to purchase the lots and take responsibility for maintenance and protection of any areas of native vegetation;
3. Purchased lands that can also provide needed recreational opportunities will be identified in coordination with the Parks and Recreation Board and a plan for utilization developed;
4. Non-purchase options will also be explored and specific recommendations included.

The Comprehensive Plan mentions other priorities for land acquisition, particularly regarding endangered species (Goal 207). These priorities were considered in development of the Tier System, which is included in the latest revisions to the Comprehensive Plan. If, in the process of developing a list of priority land acquisition sites, it is found that important habitat for endangered species and other critical natural resources are not adequately addressed in the Tier System, these additional factors will be considered in developing the list.

Another facet of the Land Acquisition and Management Master Plan is retirement of development rights. The Comprehensive Plan (Policy 101.6.5) directs that Monroe County, the state, or other acquisition agency pursue land acquisition through voluntary purchase of lands from private property owners denied a building permit through ROGO's Permit Allocation System, as the preferred option for administrative relief, if the subject permit is for development located within:

1. a designated Tier I area;
2. a designated Tier III Special Protection Area; or,
3. a designated Tier III area on a non-waterfront lot suitable for affordable housing.

Refusal of the purchase offer by a property owner shall not be grounds for the granting of a ROGO or NROGO allocation award.

In addition, the Tavernier Livable Communikeys Plan Action Items 2.2.2, 4.2.4, and 10.1.4 identified types of lands to acquire that are important to the character of Tavernier. These include vacant fragmented hammock patches in Tier II not currently protected by conservation easements, hammock lands within the Historic District, and small local pocketparks in neighborhoods.

In development of the priority list, the county will also consider for acquisition:

- Parcels outside Tier I of native habitat patches of 2 to 4 acres and parcels in upland native habitat adjacent to publicly owned parks and conservation areas
- Linear patches of two hundred feet or more of upland native habitat located on US 1 for preservation and community character of the Florida Keys
- Parcels of upland native habitat patches of one or two acres

ACTION: Within one year, Monroe County will develop a strategy to determine all options available with respect to the identification and acquisition of lands for affordable housing.

ACTION: The Land Authority and Growth Management Division, with public input and consultation with state and federal agencies, will annually develop a land acquisition priority list using the criteria defined in the Comprehensive Plan.

Responsibilities for Land Acquisition (Policy 102.4.4)

In the Comprehensive Plan, the county stated the desire to have a coordinated land acquisition effort, with the state and federal government accepting primary responsibility for acquisition of Tier I, conservation and natural lands. Without a specific federal appropriation, it is unlikely that the federal government will make additional substantial conservation land purchases in the Keys.

With the approval in June 2004 and February 2005 of the boundary amendments to Florida Forever projects in the Keys, almost all Tier I lands are now on the Florida Forever list. The state is making exceptional efforts to acquire all Florida Forever project lands in the Keys, and is expected to make final offers to all landowners within the project boundaries before June 2007. Many landowners will not accept the state's offer, and much Tier I land within the Florida Forever projects will remain in private hands. After June 2007, the state may limit its acquisition efforts to responding to landowners that contact the state, and the state may be willing to reimburse the county for lands the county purchases within Florida Forever boundaries, at least up to the pledged \$93 million.

In the Comprehensive Plan, the county indicated responsibility for acquisition of Tier II lands and Tier III wetlands and fragmented hammock or pineland areas of one-acre or greater (Tier III-A, Special Protection Areas) (Policy 102.4.4). The plan stipulates that land acquisition for other priorities depends upon funding availability, need and future use. However, as the state reduces its attempts to purchase Florida Forever/Tier I land in the Keys, Monroe County will likely need to perform more of the Tier I acquisitions, even if the state reimburses the acquisition costs. Also, it is unlikely that other entities will make significant purchases of land for affordable housing, so this will be the county's responsibility as well.

ACTION: Monroe County will acquire Tier II lands and Tier III-A lands for conservation purposes and Tier III infill lands for affordable housing, and will encourage acquisition of Tier I lands by federal and state programs. The county will ensure that the overall land acquisition efforts follow the priorities established in the Comprehensive Plan.

Intergovernmental Organization to Implement the Land Acquisition Program (Policy 102.4.5)

The Comprehensive Plan calls for development of an intergovernmental organization and management structure to implement the acquisition program, and envisioned the participation of representatives from the Monroe County Growth Management Division, the Land Authority, municipalities and state and federal agencies. A meeting between DEP Division of State Lands, DEP Division of Recreation and Parks, FWC, DCA, USFWS, MCLA, Monroe County, Islamorada, Marathon, The Conservation Fund and The Nature Conservancy was held in February 2006 to address land acquisition progress by Florida Forever and management responsibilities for newly acquired lands. As mentioned above, the state's land acquisition efforts will be winding down shortly.

The Growth Management Division is responsible for the development and implementation of the Land Acquisition Master Plan (Policy 102.4.1). It is recommended that the Growth Management Division coordinate semi-annual meetings/teleconferences to facilitate implementation of the Land Acquisition Program. Recommended participants include the MCLA, Keys municipalities, the Monroe County Housing Authority, Florida Housing Coalition, the Department of Community Affairs, DEP Division of State Lands, DEP Division of Recreation and Parks, FWC, USFWS, and non-governmental land acquisition organizations such as The Conservation Fund, The Nature Conservancy, and the Trust for Public Land. Topics at each meeting should include progress on land acquisition, priorities of the various land acquisition programs involved in the Keys, land acquisition budgets, planned acquisition activities and potential funding sources. It may be advisable to link these meetings with the multi-agency land management meetings, discussed below.

ACTION: The Growth Management Division will coordinate semi-annual multi-agency meetings/teleconferences to facilitate implementation of the Land Acquisition Program.

Conservation Land Management by the County and MCLA

The Comprehensive Plan specifies that lands acquired through the Monroe County Land Acquisition Program shall be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired (Policy 102.4.7). The Plan further directs that Monroe County complete and implement a cooperative land management program for publicly owned lands acquired through implementation of the Monroe County Land Acquisition Master Plan, the Livable Communities Program, and the Florida Keys Carrying Capacity Study (Objective 102.9).

The Monroe/MCLA -owned conservation lands differ from the typical conservation land situation. Generally, conservation lands have specific units of a fairly large size with a management plan, such as for a state park. Monroe County/MCLA conservation lands are often scattered and sometimes not easily envisioned as one management unit. Many county-owned parcels are within or adjacent to conservation lands owned by other entities. Cooperative management of county lands near conservation lands managed by other entities is important. At present, Monroe County/MCLA do not have a formal management plan for their conservation lands, and are guided by policies in the Comprehensive Plan and Land Development Regulations.

The Comprehensive Plan commits the county to initiating a planning process to develop policies to direct the over-all management program for publicly owned native lands, in cooperation with appropriate state and/or federal agencies. It is anticipated that these policies and specific management strategies may be modified as the program progresses, acquisitions continue and new information becomes available through biological research or monitoring of the management units (Policy 102.9.2). Until management plans and additional policies are developed, Monroe County will use the *Miami-Dade County Habitat Management Plan*, developed by the Miami-Dade County Natural Areas Management Working Group, for guidance in managing Monroe County's conservation lands (Miami-Dade County Department of Environmental Resources Management [DERM] Technical Report No. 2004-1; www.miamidade.gov/derm/land/library/04-09-30-Nat_Areas_Mgt_Plan.pdf). Miami-Dade has years of experience managing scattered parcels of pine rocklands and tropical hammocks.

Multi-organization Structure for Conservation Land Management

The Comprehensive Plan explicitly directs that the Monroe County land management program be a cooperative effort involving state and federal agencies (Objective 102.9 and related policies). Although not mentioned in the Comprehensive Plan, it would benefit Monroe County to include other Keys municipalities, Miami-Dade County and conservation groups with land management experience, such as The Nature Conservancy. These agencies and organizations have decades of experience managing resources in or near the Keys, and their inclusion in formulating land management policies and plans has obvious benefits. In addition to the expertise of these groups, numerous county-owned conservation lands are adjacent to lands owned and managed by these groups.

Many agencies and organizations are already cooperating on land management-related issues in the Keys, such as invasive species management and fire management. The Florida Keys Invasive Exotics Task Force and Keys Wildland Fire Hazard Reduction Initiative already meet to discuss and cooperate on issues. Monroe County participates in these groups and should continue to do so. Depending on the desires of participants, Monroe County should work within the structure of these existing groups or initiate a similar group to assist the county to develop organization and management plans to initiate a program for protection, restoration and management of acquired lands. Cooperation involving on-ground management activities should be encouraged when feasible.

ACTION: Monroe County will continue to participate in the Florida Keys Invasive Exotics Task Force and Keys Wildland Fire Hazard Reduction Initiative, and will use these groups or will form a similar group to advise and assist Monroe County on conservation land management policies and strategies and to help develop management plans for protection, restoration and management of county-owned conservation lands.

Management Plans for County/MCLA-owned lands

Monroe County will develop organization and management plans to initiate a program for protection, restoration and management of acquired lands, in cooperation with other responsible state and federal agencies. Management objectives for specific management units will be developed in concert with state, federal and municipal land management programs responsible for adjoining lands (Policy 102.9.3). Management plans will incorporate the state-required components for management plans for state-owned lands so that management plans can be

based on resources, rather ownership, unless the purposes for which the lands were acquired differ significantly. If feasible, develop a single management plan for all conservation lands managed by the county/MCLA.

The management plan(s) will be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each management plan will be made as necessary to reflect recent land acquisitions and changing management priorities (Policy 102.9.4).

ACTION: Within 18 months of the approval of the Land Acquisition and Management Master Plan, Monroe County and the Monroe County Land Authority will develop organization and management plans for county/MCLA-owned lands in cooperation with state and federal agencies, Miami-Dade County, and conservation groups and review the plans every three years. If feasible, develop a single management plan for all conservation lands managed by the county/MCLA.

Management Plan for State-owned Land Managed by the County

Monroe County committed to managing all lands it proposed for addition to the Florida Forever projects in the Keys, except for those lands other agencies were willing to manage. The management of these lands is subject to state statutes and rules. By state law, Monroe County/MCLA will need to prepare a land management plan within a year of signing a lease to manage state-owned conservation lands. This plan must go through a state approval process, and is to be reviewed every five years and updated every 10 years. The plan must also be updated if facilities are proposed that were not included in the approved management plan or if the land management is intended to vary from that in the approved plan. Monroe County intends to write one management plan for all state lands that it will manage, similar to FWC's approach to the management plan for the Florida Keys Wildlife and Environmental Area, a group of properties bought by state land acquisition programs. If feasible, the county will develop a single management plan for all conservation lands managed by the county/MCLA, including county-owned lands and state-owned lands.

ACTION: Within a year of signing a lease with the state, Monroe County will develop a land management plan for state-owned lands managed by the county. If feasible, the land management plan will include both county-owned and state-owned lands managed by the county.

Priority Restoration Lists

The Comprehensive Plan also directs the development of lists of priority restoration sites, updated biennially, for wetlands, native upland vegetation, seagrass bed, exotic vegetation removal, and beach/berm areas (Policies 210.1.1-5). Restoration projects will be completed as funding becomes available, and local, state and federal funding sources should be accessed (Policy 210.1.7). The initial lists will be developed in conjunction with the drafting of the land management plans. The Comprehensive Plan lists some agencies that should be involved, and additional participants are suggested (Table 5). The Comprehensive Plan sometimes specified whether the sites to be prioritized should be owned by the county, private, and/or public. For some of the restoration lists, additional ownership categories are suggested in Table 5, below.

The lists should be developed in a manner similar to that used by the Florida Keys Invasive Exotics Task Force and should initially consider all public and private conservation lands in the Keys. It may be prudent to consider some private, non-conservation lands next to conservation lands where control of exotics or other restoration on the private lands is essential to protecting the natural resources of the conservation lands. Depending on the desires of participating agencies, it may make sense to develop at least some of these lists within the structure of the Florida Keys Invasive Exotics Task Force. Otherwise, a similar multi-organization group should be structured, at least informally.

Restoration lists should be prioritized based on ecological factors, regardless of ownership. In cases where funds will be requested from a grant source, funds should be applied to the highest priority restoration areas. In general, if restoration funds are not available from other sources, county funds should be utilized for restoration of county-owned or managed lands. The Monroe County Land Restoration and Management Fund is one source of funds for restoration.

Table 5. Priority restoration lists to be developed			
Resource (Comprehensive Plan policy)	Land ownership (add'l recommended lands)	Participants (additional recommended participants)	Frequency of update
Wetlands (210.1.1)		County, ACOE, EPA, FWS, DEP, FWC (Audubon, TNC, Marathon, Islamorada)	biennial
Native upland vegetation (210.1.2)	Public and private	County, FDACS DPI, FNAI, Audubon of FL Science (TNC, DEP, USFWS, FWC, Islamorada, Marathon)	biennial
Seagrass bed (210.1.3)		County, NOAA, EPA, DEP (FWC)	biennial
Exotic vegetation removal (210.1.4)	County (public and private)	County (Audubon, TNC, DEP, FWC, USFWS, Marathon, Islamorada)	biennial
Beach/berm areas (210.1.5)	County	County (Audubon, TNC, DEP, FWC, USFWS, Marathon, Islamorada)	biennial

Text in parentheses are recommendations to include land ownerships or organizations beyond those specified in the Comprehensive Plan

ACTION: Within 18 months of approval of the LAMMP, develop priority restoration lists in cooperation with other organizations in the Keys.

Financial Plan

An essential component to the successful implementation of the Land Acquisition and Management Master Plan is a financial plan. Estimates of the cost, available funding, and funding shortfall, however coarse, provide an idea of the magnitude of additional funding necessary. A review of potential funding sources then permits commitments to be made and efforts initiated to obtain the required funds. While the Comprehensive Plan is explicit that Monroe County is only committed or financially obligated to the extent that local, state, and federal funds are available, efforts to address these critical funding needs are essential to the well-being of the Keys, both economically and environmentally.

As stated previously, it recognized that, with the uncertainty concerning the county's ability to successfully secure sufficient funding from state and federal governments for their fair share of the financial support for the Land Acquisition Program and the demands placed on the county's

limited financial resources to address wastewater and other critical issues, the Land Acquisition Program may extend well beyond 20 years.

Funding Status

Table 6 provides a very rough summary of the significant funding and non-funding sources available on a somewhat regular basis for conservation, development rights, and affordable housing and conservation land management in unincorporated Monroe County. The table shows that, during the next 20 years, approximately \$146 million are anticipated to be available for all those activities. Additional funds are also expected from a variety of sources, but not on a regular basis. MCLA funds listed in the table are also for cities within the Florida Keys Area of Critical State Concern.

Table 6. Significant funding and non-funding sources available on a regular basis for conservation, development rights, and affordable housing land acquisition in unincorporated Monroe County				
Program or source	Uses	Annually available	Projected funds available for next 20 years	Comments
Monroe County Land Authority	Environmental lands, affordable housing, retirement of development rights, other uses	\$1.4 million	\$28 million	These funds are also for use in cities within the Florida Keys Area of Critical State Concern
Monroe County Land Restoration and Management Fund	Conservation land restoration and management	Varies	Unknown	New fund with little history
Florida Forever/Board of Trustees	Environmental land acquisition		\$93 million	\$93 million committed, some spent, more may be available
Key Deer Habitat Conservation Plan Acquisition Fund	Environmental land acquisition		\$3.5-7 million	For Big Pine Key, No Name Key
FL Housing and Finance Corp Community Land Trusts RFP	Affordable housing – land and structures		\$20 million	\$20 million pledged for Keys through about 2011; add'l funds anticipated
Keys Environmental Restoration Fund	Restoration of environmental lands	Varies	Unknown	
Keys Environmental Restoration Fund	Acquisition of environmental lands	Varies	Unknown	
DEP grant to county re invasives	Invasive species control on environmental lands	Maximum of \$200,000	Maximum of \$2 million	Based on current 10-year program; renewal possible
ROGO lot donations				At least 735 lots donated through 2005

According to the figures compiled in “Efforts and Current Status”, approximately \$355 million will be needed for environmental land acquisition, \$9.1 million for conservation land management, \$260 million for affordable housing land acquisition, and \$117 million for retirement of development rights, for a total of \$741 million. This plan’s calculations anticipate that state or federal funding will be available for Tier I lands within Florida Forever boundaries, beyond the amount already committed. These funds would account for \$298 million of the \$355 million environmental land acquisition total, leaving \$443 million for all categories. Only about \$53 million appears to be available during the next 20 years. This leaves a shortfall of approximately \$390 million for the mentioned activities. This figure does not include the cost to buy or build structures on affordable housing land. The calculations also include a 25% figure, since not all landowners will be willing to sell their land, which will also result in lower conservation land management costs.

Funding Strategy for State and Federal Funds

A variety of approaches will be necessary to secure the funds essential to implementing the LAMMP. In addition to the suggested actions summarized below, potential land acquisition and management funding sources listed in the “Tools” section should be reviewed and funds should be pursued from the more likely prospects.

Conservation Land Acquisition Funds

State Funds

Florida Forever

Recently, the Florida Forever-Board of Trustees program has been the largest source of funds for purchase of environmental lands in the Keys. Although the state has made significant progress in acquiring Tier I lands and expended substantial funds, many vacant privately-owned parcels remain. Monroe County should encourage the state to continue acquisition efforts, and commit to reimbursing the county for any lands it buys within Florida Forever boundaries. The Florida Forever program will expire by 2010, and Monroe County should vigorously support efforts to continue the Florida Forever program and expand funding.

Florida Communities Trust

In general, the criteria for scoring Florida Communities Trust (FCT) applications do not favor the types of environmentally sensitive lands being pursued in Monroe County, despite recent criteria revisions intended to be favorable for the Keys. With up to \$6.6 million available to the county each year, Monroe County should consult with FCT staff and pre-score potential projects to determine if it is worthwhile to submit projects. If the program rules are opened for revisions, Monroe County should pursue additional favorable changes. FCT is funded through Florida Forever, so this program is dependent on the continuation of Florida Forever.

Federal funds

National Wildlife Refuge lands

Efforts should be made to secure federal funds to acquire additional lands within the authorized boundaries of the National Wildlife Refuges in the Florida Keys. Lands of importance to recovery of federally listed endangered species should be emphasized. The active support of conservation groups, such as The Nature Conservancy and The Conservation Fund, should be encouraged.

NOAA funds

The potential to acquire lands through the National Marine Sanctuary Program should be pursued.

Hazard mitigation related funds

Investigate the potential to use hazard mitigation funds to acquire environmentally sensitive lands as a way to keep the lands from being developed.

Conservation Lands Management Funds

State

FDEP Upland Plant Management Program

Continue involvement with the Florida Keys Invasive Exotics Task Force to propose comprehensive invasive exotics control grant requests to the FDEP Upland Plant Management Program.

Florida Coastal Management Program

Investigate the potential to receive funds for coastal management activities.

Federal

Investigate the potential for federal management and restoration funds, especially in partnership with private organizations.

Affordable Housing Land Acquisition Funds

State

Florida Housing Finance Corporation

Continue to work with FHFC to generate Requests for Proposals that match housing needs in the Keys. Work to secure additional funds past the pledged \$20 million.

Sadowski Act

Work with affordable housing proponents and elected officials of other areas with pressing housing needs to have the cap removed regarding tax proceeds that can go into the Sadowski Act programs and to get the full amount appropriated each year. Ensure that workforce housing, particularly for public service employees, is a strong component of housing programs.

Retirement of Development Rights

In general, no non-local funds are available for retirement of development rights. The Florida Forever program should be encouraged to reimburse the county for purchase of development rights on vacant parcels within Florida Forever project boundaries. The state should also be encouraged to participate in any lawsuits regarding retirement of development rights and to participate in funding any findings against the county.

Funding Strategy for Local Funds

Additional local funds are essential to the successful implementation of the LAMMP. When possible, the categories in which various types of local funds can be expended should be made flexible to provide latitude to respond to changing conditions. A variety of potential funding

sources are listed in the “Tools” section. Monroe County will further investigate these, as well as other, potential sources and will take the steps necessary to secure funds.

As stated earlier, about \$443 million is anticipated to be need for environmental land acquisition and management, affordable housing land acquisition, and retirement of development rights, assuming that the state or federal government will acquire lands within the Florida Forever project boundaries. Approximately \$53 million is anticipated to be available during the next 20 years, leaving a shortfall of \$390 million. For this first iteration of the LAMMP, the county will plan to fund an additional \$98 million during the next 20 years, which equals 25% of the estimated \$390 million needed.

ACTION: During the next two years, Monroe County will take actions necessary to fund an additional \$98 million during the next 20 years for environmental land acquisition and management, affordable housing land purchases, and retirement of development rights. This funding will be coordinated with the annual update of the Capital Improvements Element and the Five-Year Capital Improvement Schedule.

Additional Recommendations

Some additional recommendations to assist in implementation of the LAMMP are listed below.

General

- Update the LAMMP periodically to chart progress, report on accomplishments and reflect changing conditions.
- Encourage participation of volunteers and investigate the feasibility of hiring volunteer coordinators for conservation land management and affordable housing.

Affordable Housing

- Strongly encourage the formation of an affordable housing joint task force, with the participation of the county and all municipalities in the county.
- Work with the joint task force, Monroe County Housing Authority, its consultants, local community land trusts and the Florida Housing Coalition to investigate the potential for providing funds from multiple sources for each affordable housing project in the Keys. Hold workshops to provide this information to building contractors and potential investors to try to increase the number of contractors/investors participating in affordable housing initiatives.
- Encourage public/private partnerships to meet affordable housing needs.
- Investigate the desirability of establishing additional community land trusts.
- Consider use of local funds to acquire land for affordable housing and banking these lands until local affordable housing entities receive grants eligible to purchase land. Sell the lands to the affordable housing entities and roll the funds back into affordable housing land acquisition.